MICROCOPY OGG

ROLL

Microfilm Publication M892

RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA V. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 10

Transcript Volumes (English Version)

Volumes 26-28, p. 9,090-10,208 Mar. 15-30, 1948



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1976

INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, United States of America v. Carl Krauch et al. (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and Englishlanguage versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

Case No.	United States v.		Popular Name	199	lo. of endants
1	Karl Brandt et al.		Medical Case		23
2	Erhard Milch		Milch Case (Luftwaffe)		1
3	Josef Altatoetter et al.		Justice Case		16
4	Oswald Pohl et al.		Pohl Case (SS)		18
S	Friedrich Flick et al.		Flick Case (Industrialist)		6
6	Carl Krauch et al.		 G. Farben Case (Industrialist) 		24
7	Wilhelm List et al.		Hostage Case		12
8	Ulrich Creifelt et al.		RuSHA Case (SS)		14
9	Otto Ohlendorf et al.		Einsatzgruppen Case (SS)		24
10	Alfried Krapp et al.	1	Krupp Case (Industrialist)		12
11	Ernst von Weizsascker et al.		Ministries Case		21
12	Wilhelm von Leeb et al.		High Command Case		14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

- Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.
- Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.
- Heinrich Buetefisch: Member of the Vorstand of Farben;
 manager of Leuna plants; production chief for gasoline,
 methanol, and chlorine electrolysis production at Auschwitz
 and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the
 Himmler Freundeskreis (circle of friends of Himmler); and
 SS Obersturmbannfuehrer (Lieutenant Colonel).
- Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.
- Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.
- Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia,
- Paul Haefliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.
- Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).
- Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

- Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.
- Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.
- August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.
- Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.
- Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.
- Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.
- Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.
- Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.
- Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturmfuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war. and aiding in equipping the Nazi military machines. 1 The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haefliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Buetefisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Buetefisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

Name	Length of Prison Term (years)
Ambros	8
Buergin	2
Buetefisch	6
Duerrfeld	8
Haefliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

First Motion of the Prosecution, volume 1
First Joint Motion, volume 3
Second Joint Motion, volume 14
Third Joint Motion, volume 24
Fourth Joint Motion, volume 29
Fifth Joint Motion, volume 34
Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

Exhibit No.	Doc. No.	Exhibit No.	Doc. No.	
322	NI 5140	1558	NI 11411	
918	NI 6647	1691	NI 12511	
1294	NI 14434	1833	NI 12789	
1422	NI 11086	1886	NI 14228	
1480	NI 11092	2313	NI 13566	
1811	NI 11144		75 115 11	

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume Trial of the Major War Criminals Before the International Military Tribunal (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as Trials of War Criminals Before the Nuemberg Military Tribunal Under Control Council Law No. 10 (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

Ro11 10

Target 1

Volume 26, p. 9,090-9,485

Mar. 15-17, 1948

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NURNBERG

CASE No. 6 TRIBUNAL VI U.S. vs CARL KRAUCH et al VOLUME 26

> TRANSCRIPTS (English)

15-17 March 1948 pp. 9090-9485

Official Transcript of Military Tribunal VI, Case VI, in the matter of the United States of America against Mari Krauch, et al, defendants, sitting at Numberg, Germany on 15 Harch 1948, 0900 - 1645 hours, Justice Curtis G. Shake, presiding.

THE LARSHAL: The Honorable, the Judges of Hilitary Tribunal VI.

Military Tribunel VI is now in session. God save the United States of America and this homorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE IMPSHAL: If your Monors please, all the defendants are present with the exception of the defendant Duerrfold, who is absent and excused.

THE PRESIDENT: Are there may empoundments from counsel for the defendants?

Det. FRIBBLLA: Your Honor, I should like to cak you to mense Dr. Inches for Tuesday, Technostry, and Thursday of this work because ids case is approaching.

THE PRESIDENT: That request is granted.
Anything from the Presocution this serming?
You may continue, Counsel.

ER. VON LETZLER: Dr. von Hetzler, counsel for the defendant Paul Haufliger.

DIRECT ELWIRATION (continued)
DJ. PAUL ILEFLICER

BY DR. VON LUTZLER: (continued)

O. Er. MacHigor, at the and of your exemination on Friday you were speaking of the international conventions in the sector of heavy chemicals. Let me now ask you this: That special situation provailed in this sector as compared to provide that and mitrogen industry?

saying this: It would be erronedus to assume that the eartels which I described climinated all opportunion. Onethic contrary, it is for more difficult to sell when prices are could. The obligation not to bid lower than the prices fixed by the cartel means in practice that one has to exercise the greatest amount of care when serving the customer with

COURT VI CLSE VI 15 Nar 48-1-2-14/28-Kasdorff (Rankor)

respect to quantity, packing, of cotors, In other pords, only good service to the customer assures the nember of two cutof to be able to sell the contingent he desires. Every weather naturally attaches grantest value to call its own quote himself to the customer. With respect to the conventions in this heavy chemical field as compared to other fields, I might say that contrary to the dyestuffs and mitregen industry the chemical industry in all countries was characterized by the oxistence of numerous millor and andium enterprises which specialized on relatively few products. Consequently, as a result of the variety of the members, every product and so be tracted individually. Therefore, there was such a number of small conventions in this field. Different, however, is the situation in a large economic area, as the United States, for instance, The East, the Middle "est, and even the West - the Pacific Coust - are esencide entities which, as a result of high trumport costs, our not complete seriously. Added to that is the legislature in the United States which promidits any such agreements with allied partners.

- O. Dr. Hoefliger, you were just specking of the necessity, in view of the poculiar character of the chanical business, to adjust makes with the works managers concerned. That special countities had been founded in Farbon in order to bring about the secessary contact between the technical man and the sales on in the charactel Sparto?
- A. In 1928 the Chemical Committee and been founded which, as for as I remember, was at that the called the inorganic Condition.
 - Q. Did you belong to this Chomical Corrittee?
- A. No. Only after 1936. Up to that period it had only three combers. Mr. Teber-Andreae, as salesain, was the chairman; Dr. Pister and Dr. Kuchne were the other two combers as technical experts.
- Q. Yould you please briefly describe to the Tribunal the functions of that Charical Committee?
- A. The Chern, the Chemical Committee, in which technical experts as well as salesman participated, served mainly to supervise the cartel policy of the head of the sales combine chemicals, Mr. Weber-Andreas. As I said

before, decisions in this field could affect production directly, in view of the popularity of the mirket in this field. Ar. Teber-Andreae was always opposed to the fact that technical non participated in negotiations of a purely conservable nature. He said that if that continued other partners would do the same thing. All the more reason had his technical colleagues to insist that the Chana be instituted in order to control the management. Furthermore, the hands of the technical fields wanted to be consulted with respect to licenses abroad. That was corresponding to an order issued by Professor Besch.

- Q. Mr. Hacfliger, were correct business affairs discussed in the TEA, referring to the correctal organization and were questions decided, crising from such business?
- A. The two subjects I mentioned the supervision of the certal and convention policy of the hand of the chemical party and the granting of licenses to foreign firms formed the main subject, the main sphere of activity of the Chana, with almost no exception.
 - 7. Did anything change in this situation later?
- A. Yes. Then new fields of organic charistry cano up plastics, solvents, at entern and when they and a necessary the substitution of technical can by salescen, such nathers were secretices brought before the Chara. This necessity started is from 1935, when the new organic charistry begin to develop intensively throughout the entire world.
 - Q. Did the Chema de l ith the drafting of production programs?
- A. No. This question was discussed in the technical sub-corrussions affiliated to the TEL.
- n. And who ends the decisions with respect to the questions discussed in those technical sub-constitues?
- A. As far as the technical field was concerned, it was, I believe, the so-called Technical Production Consisted of Sparte II, which was subordinated to the TEA and which translitted to it its decision.
 - 1. Mr. Haefliger, during your exemination you mentioned, enempst other things, that you later dealt with metals in the Sales Combine

COURT VI CLSE VI 15 Mar 48-1-4-1-AR-Masdorff (Armler)

Chamicals. That were the metal interests of Farben and to what extent were you concurred with such questions?

A. The Duisburger Kupfermoste constituted an important field where almost all Testern Server subjuncte and products participated. The copper and sine containing wastages were used at the Kupferhuette. All those notals were independently processed by that plant. The Sales Combine Chamicals itself had nothing to do with that, and, consequently, I had nothing to do with it, the produced by the Chaminia mork, G.M.S.H., Bitterfold. This company, with 50 percent each, belonged to Firten and to the Metallgesellschaft, Frankfurt. The latter had always been charged with the sale. Furbon limited itself to exercise some supervision of the responsible business management, together with representatives of the Detallgesellschaft.

Correction. I did not attend such company meetings before 1933.

However, during wartins I did attend them rather regularly, meetings of prices were meetly discussed and the order of the authorities for the expansion of the plant. Themever T ber-indressed did not participate himself I had to report to him.

The aluminum policy has always been dealt with decisively and predominantly by the United Aluminum Plants, abbreviated V.A.W., which belonged a hundred percent to the Reich.

Magnesian sale was at first at Frankfurt and later at Bitterfold.

The se-colled high prices field, which, however, is only a small fraction of the entire business, is constituted by pure magnesium for sale as well as magnesium in its oldest forms — that is, wire and powder. Department 2 dealt with that,

The other lerge field, magnesium alloys, particularly in the form of electron metals and sami-products, were dealt with by the Department Eloktron-Mittll at Bitterfold . This was a difficult field, technically not yet developed, which demanded a class cooperation of the sales people with the technical men. That is why the department was transferred to Bitterfold in the year 1931. Up to that joint the Department H and dealt with this very phase of business. The Department Elektron-Motall at Bitterfold was working wite ind wondently under Director Siegler, Zieglor was responsible to Weber-Andreas, who up to the end - that is to say, up to his death at the end of 1943 - dealt with the light metal field from a commercial point of view as his special field. The same applied also to the light metal sector of the Dagartment M, of which I already spoke. Director Mayer-Excepter was in charge of this extremely independent department and turned, with respect to all more important questions, directly to "Jober-Indress. Heyer-Muester was a fanatical National Socialist. I could observe that he was quite an exception within Parcen in this respect. At any rate, me never got on well together, and, as I had to find out later, he didn't properly report to me about his current

affairs.

- Dr. Will INTELLIFE: Your Monors, reference is made to Exhibit
 Number 5, Defense Joursel Exhibit Mumber 6, affidavit of Karl von Heider.
 Your Hances will find this effidavit in Sook I on page 18. In this effidavit
 you Heider states that Ir. Riegler and Harper-Kauster, when the defendant
 just now mentioned, did not keep Hacflight informed in detail about the
 current business of their respective do. Paperts.
- To Herr Haefliger, you word specking about the extensive independence of the Director Mayer-Nucester and Ziegler. That were your functions in the light motal sector?
- As Mall, it. Nober Androac only used me for special backs in the light metal field. In other words, odd jobs. That is why I could only acquant myself with the general situation to the extent it was necessary in order to deal with consentory negotiations and special tanks, especially abread. As a result of my knowledge of languages and ability to susse foreign mentality, I second to be the proper san for that.
 - 2. It. Haufliger, give us aero examples of such old jobs.
- A. The For instance, the magnifications concerning the liquidation of the Electron-Metals Corporation of America, New York. Magnificans concerning the foregoing of Farbon of the right of option with the American Proposition Corporation. Popolintions that the sale of Elektron-Matall, J. J. J. Deutgart. Occasional contacts and attendance at dis-, cussions at London, in this, which later on brought about the Michiging of Magnosium plants in England and France.
 - Q. Thank you very much. That will suffice.

Before I interrupted you, you stoke of ferro-alloys. Would you please continue?

A. Yos. Such alloys, mainly forro-wolfram, forro-tungston, forr-malybdon and, much later, forro-manadine, were started in Bittorfold in approximately 1925, since welfram and molybdone were in a special form necessary for the hydrogenation of coal but the special production

of these products alone would not have been economically advantageous. The ferrous business was therefore transferred to Department M. I almost exclusively nad to doul with that business only as far as it was necessary for me to report to Lore Riverdale, the man of the English group on the occasion of the periodic conventions of the International Forro-Wolfram and Molybdono conventions. To this convention German, French, and English groups balonged. In the Gurnen group Farben participated with about 30 percent. This Garman group in turn was concorned with the export outside the syndicate mirkit which mure - with which every group men protected with about 30 to 40 percent. Up to 1938 to pedecinantly were concurred with exports to Russia and to a smaller extint with export to Cweeneslovakia and Austria. This international convention cristed already at a time when Parbon, between 1928 and 129, started production. Farbon joined on the invitation by the English group, the wented us to join. After 1934, mickel was added. The sale had been transferred to it tall-Gosellachaft and the Department II morely dealt with a small sector. That was the introduction of the new nickel for new purposes, such as accumulators and alleys with special magnetic properties. Participation was also included with Internation Mickel Company and Nord Mickel Company as for as communcial interests were concerned. I attended the more important negotiations togother with Toor-Andreas. Finally, you have to mention flints for pocket lighters, for smich there already existed an international convention before 1933 between Garmany, Austria, and France. I also participated thoro.

15 Mar. hu-W-1J-3-1-Leonard-(Ranler)-Court 6 case 6

Q Tas that 11 the sphere of work of Dopartment 11?

into details.

a and then there were protective substances cominst rust and synthetic discover, etc. All these are fields which had to be accormodated scret w.

Wr. Harflight, one brief question. This letter M which were used for this department - isn't that an abbreviation of the word metals?

their pre-trial investigation. M. stands for miscellaneous. The Sales Combine Chemical had about a dezen sub-departments, each of which was designated with the letter. Wen this new department needed a new letter, V for Verschiedenes would naturally have been correct, but V tallied with the other tepartment V - Versicherung, Insurance. That is why Weber-Andreas and I, both of who could speed anglish, arrayed at N. for miscellaneous. It really decan't mean anything.

beginning of the war in 1939 in the Sales Combine Chemicals. Now, in order to complete the picture, would you be good enough to describe your activity within this sales combine after the outbreak of the var?

A After the outbreak of war in 1939 the largest part of my actual field of work - that is to say, dealing with international conventions -

dropped but. Wy activity from that point was limited more and more to special tasks, aid jobs within the metal fields, and other special duties assigned to be from time to time. Since I never had anything to do with the internal organization at Frankfurt and since I did not deal with accimistrative matters, I became rather superfluous there and very soon after the cutbreak of the war I moved to Berlin where I had a second residence and where I kept up a little office in the cutskirts.

- Q where did you reside before?
- A At Frankfurt.
- 4 Would you please give us a few examples of such odd jobs ensigned to you siter the outbreak of war?
- a "ell, there were negotiations and discussions concerning contercial questions when Nordisk Lattestall at eals, Normay was founded,
 negotiations with the Petsane-Nivkeli in Finland concerning orders of
 mickle cre; participation in negotiations with the Stablyorein for the
 foundation of the Toatphaelische Leichtmetallwerke; negotiations with
 the lightmetals plant of Borghaus at Rackeltz. They had a contract with
 us which has to be discontinued. I participated in the negotiations
 concerning the acquisition of Detelleuss, 1.0., Leipzig; license negotiations expering magnesium with the Rali-Jerke Wintershall and WAW,
 United Aluminum works; participation in license contracts with an
 Italian magnesium factory in Acasta and Daba, Budspest; maintaining
 the consocial interests of Farben in the Schwefol G.m.b.S; at a latur
 date, license with respect to flashlights with Professor Dr. Schrict
 came up.

Your Honor, I draw your attention to Haefliger Exhibit 11 which
Your Honors will find in Book 1 on page 33. This is an affidavit by
Michael Schneider describing the actual position of the defendant
after the outbrook of the war within the framework of I.G.

15 Mar. Librario-3-3-ionnard-Court 6 case 6

hr. Haerliver, I should like to lavert to the committees which were in Parten. To which ones of these committees did you being?

A I belonged to the Commercial Countities from 1937 to 1965; the South East Durone Chimittee from 1938 to 1965; the Eastern asia Countities from 1936 or later up to the end; the Propaganda Counts singer from 1933 to 1965.

- Q Did you boling to the mastern Coundateo?
- " Fo, I was never a member of that constitute which, as far as I know, mover actually came into being.
- I I should now like to briefly discuss with you the functions of these conditions which you just mentioned. First of all, would you please describe to the Tribunal briefly the activity of the commodual Committee? When was it founded?
- A the first to distinguish between the old and new KA, Contincial Committee. The first Contercial Committee was formed early in 1920 under the chairmanic of Dr. von Schnitzler. It consisted exclusively of mombers of the Forking Committee and I sid not belong to that. In April 1933 it was practically dissolved by Fracesor Boson. In my opinion, and as for as I know, this first KA never not after that. In the fall of 1937 a new Commercial Committee was brought into being.
- Q Tere you a umber of the first Conserval Consistee which you just mentland?
 - A No. I think I already said that. I was not a member.
- Q Then you belonged to the se-callon second Con cretal Condition which was founded later?
 - A Yes.
- Q Could you briefly describe to the Tribunal the reasons for the foundation of a new Convercial Committee?
- A Ins. The interference by the authorities with free traffic of goods between foreign countries and the home country asserted itself more and more.

Particularly vericus regulations and directives by the largely extended machinery of the dational Socialist authorities brought about differences of opinion between business man end sales spartes. In order to eliminate any unpleasant reactions as a result of such discussions and queries and in order to keep Farben's interests on a uniform basis the Contercial Constitute was formed. It was to afford all interested Farbon numbers an opportunity for an exchange of opinions. That was the main reason, but also in general questions of expert, particularly in view of the processions foreign exchange situation and also in view of the macrous difficulties in the traffic of goods, discussions proved to be necessary. Centrary to the first countities, numbers could join the second compittee who did not belong to the derking Consistee Then it was outstancy to use a number of consercial experts in view of the increasing difficulties.

- Q Then what was the character of that Corbereial Cormitten?
- A thad a purely informative and consultative character.

 It wasn't a circle which had any functions as a result of which it could make decisions. That becomes apparent from its composition. For instance, from the very beginning, three ware numbers who were not members of the "retand.

Q Mr. Enofliger, was the independence of the various soles combines within Marbon limited through the Commercial Counittee?

A 100. The smintenance of automory of theseles combine, was confirmed again when the Commortal Committee was founded. The current business of the individual sales combines and their organization was not interfered with by the Commortal Committee, nor did it interfere with the cartel policy of the individual sales spartes. The sparte heads were responsible for that.

Q Could the Cornercial Cornittee make decisions with respect to matters which fell within the jurisdiction of the individual sales combines?

A No, I have laready said that.

- Q. Did the Commercial Committee have anything to do with technical planning and the formation of production programs?
 - A. 10.
 - Q. Who was responsible for these metters?
 - A. This was the TEA's jurisdiction.
 - Q. Did the Commercial Committee have bylans?
- A. No. Those were intentionally not laid down because the exchange of thoughts and opinions came about quite extemporaneously. Is I said before, the Commercial Committee was not to have authority to make decisions.
- Q. Your Honors, I tog to introduce new another document. This is Haefliger Document #19 which Your Honors will find in Book I on page 35 and which may go in as Haefliger Exhibit 12. This is a copy of an efficient of Karl von Heider, former titular director in the Verkaufs-geneinschaft Chemikalien. The original of this affidavit will be introduced by the defendant von Schnitzler as part of his document books. As, however, these document books are not yet ready I regret not to be able to give this document a Schnitzler exhibit number. Therefore, I would ask to be paralited to do this at a later date after the presentation of the Schnitzler document books.

THE FRESIDENT: That will be entirely permissible.
BY DR. VON NETZLER:

Nuch obligad, Nr. Fresident. The afficient von Heider testifies on the nature and the activities of the Commercial Committee which he describe as purely informative. He states that the Commercial Committee had no enthority and did not interfere with the current business of the various sparten responsibility. Verkeufsgomminschaften, which conducted their business in an independent mamer. He states that the Commercial Committee could make only recommendations to the various Verkaufsgemeinschaften without any power of decision. I may quote one significant sentence from this affidevit. I quote:

15 Mar 46-M-AJ-1-2-Leonard-Remler Court 6 Case 6

"The principle of severeignty always applied to the interests of the sales combines. Thus they were autonomous enterprises."

- Q. Mr. Haefligar, furthermore you more a member of the South East Europe Committee. Would you placed describe to the Tribunal the functions of that committee?
- A. I think I can be very brief about that because this subject will naturally be don't with by Dr. Kuchne and Dr. Illung exhaustively. The South East Europe Committee was founded at the end of 1938. It was founded as a result of the true realization that, in view of the foreign currency situation and in view of the increasing difficulties of goods exchange with the rest of the world, more interest had to be taken in the South Eastern countries of Europe. This Committee too only had an informative and consulting character and could not interfere with the severeignty of the sales spartes. It was a sub-committee of the KA and the TEA because were often questions of industrial development were discussed. In a few single experiences in the chamical field were also discussed. In the KA minutes of the 25th of September 1940, the following-statement is made:

"Dr. von Schnitzler gives a report, using a paper by Dr. Buhl, about the coming into being of the South Eastern Committee. A discussion followed and an agreement was reached that the South Eastern Committee has no decidive but purely advisory functions and is delegated beneath the Ka and the Take."

Q. Your Honor, reference is made to the Prosecution Exhibit 369, Document Book 14, English page 28, Garman page 44, Your Honors will find therein the minutes of the meeting of the Commercial Committee to which the defendant just now referred.

Mr. Haefliger, as you said, you were also a member of the East Asia Committee. What were the tasks of this committee?

A. The dest asin Cormittee was formed at the end of 1935, I believe. It had no authority to make decisions. It only served the

15 Mar 48-M-AJ-4-3-Loonard-Remier Court 6 Case 6

purpose of ascertaining what problems mure to be dealt with by the individual spartes of Farbon in order to assure a uniform process of the individual spartes, particularly from a technical point of view, in Eastern asia. Here too we are concerned purely with an informative task, particularly advice by the chairman. Noncertainerat Dr. Waibol, who was an expert on East asia and because of when the committee was only formed. He never really had any significance and therefore that committee only had very for numbers. From 1935 to 1938 I only attended four very brief meetings.

- Q. We the movereignty of the individual spertes limited in any may because of the existence of that committee?
 - A. No, not at all.
- Q. Were licenses over granted in the field of chemicals in Eastern asia?
- A. I only remember one single case in the field of chemicals which led to some concrete result. It was the formation of the firm in Japan for the production of Titan-Weiss. That was done together with the United States National Load Corporation.
- Asia with the nitrogen pherencoutient and dye stuffs business there?
- A. The obscricel business was insignificant compared to the production which you mentioned and was far behind phermacoutical and dyo stuffs. I can say nothing about nitrogen because I don't know.
- Q. Did the hand of the sales combine, weber-adress, attach great significance to this East asia Committee?
 - A. No. That was thy he was never a member.
- Q. Mr. Hoofliger, I am now turning to the last farben committee to which you belonged, the so-called Propaganda Commission. Would you be good enough to tell the Tribunal briefly what the functions of this committee were? Above all, did it have enything to do with political propaganda?

15 War 48-M-47-4-4-Loonard-Ranler Court 6 Case 6 A. No, in no way. The original name Propaganda Commission is very mislanding in that sense. It was later changed to Advertising Committee. The ecomission dealt only with advortising matters and tried to exchange experiences about the best types of edvertisement among the various departments of the firm and to achieve some sort of uniformity. Q. "hon did you become a member of that Propaganda Committee? A. That was in 1933 and I joined upon request of 1r. "abor-Andread. At that time the Chemicals Sparse started to sell other specialized products in addition to their standard products, which were suitable for advertisement. That is why we wented to learn sepathing in that field from the pharmacouties! and photographic, and dye stuff s partes which, had more experience in that since a long time. Q. Did you frequently attend rectings of that committee? a. No. My socratory kept diarios which anded in 1938 and relying on those diaries I can find that I only attended such acetings six times throughout all those years, but I think Mr. Menn will give us more information on that subject and I don't have to go into it may further now. Q. Wr. Hasfliger, you were just speaking of your diaries and you montioned the fact that these disrice more concluded in 1938. Woron't any diaries kept during the later years by you? A. Yos, of course. The other dieries were destroyed in Berlin us a result of the bembing attacks at the beginning of 1944. The old ones were still in Frankfurt and could be saved. 4. Mr. Hoofliger, you have been giving the Tribunal a survey of your jobs and functions within Farbon. I should now like to conclude the first part of your exemination and very briefly discuss with you the problem which was proviously discussed here, namely the limitation of responsibilities within Farben. When esked about the Commarical Committee you telked about the relation of that committee to the various sales combines in Farben. Would you once more briefly explain to the Tribunal 91.04

15 Mer 46-M-AJ-4-5-Loonerd-Render Court 6 Case 6

the position of the sales combine within the framework of the Ferben organization?

A Tes, busically the sites combine, die stiffs, pharmaceutica, photographics, were autonomous fields which uselt with their current business in their own responsibility under their own head. As the "economicy of interests," shows, we are have concerned with a community of interests of various firms. After the end of the inflution in 1923 through the creation of the new Mark by Scheeht, the maintenance of a communicial organization of every firm which had been moved and which at the same time sold pharmaceutical chemicals, dye stuffs, etc., would not have been justifiable from an economic point of view. Consequently the products were divided up in various. Fields. That is how the individual seles combines came into being, which is a way become the successor of the former independent firms as far as the particular sphere of work was concerned.

Q term the individual sales combines very much interested in maintaining their independence?

A Tes, they did not peruit anyone to interfere with their sales organization.

Vorstand agetings about information to Vorstand numbers during Vorstand agetings about matters which went beyond your own sphere of business, was there any such information and if yes, to what extent?

Verstand sentings book place once every six or eight weeks. They lasted for about three hours in the norming and scatterines two hours in the afternoon. It was entirely impossible to discuss a report on the entire huge business couples of Farbon. It was impossible to inform the Verstand normans of fall the business events during the preceding two months. Desulting from that only a short and concise survey could be made during Verstand meetings about current important events in the untire business. Mercover, the extent, of such reports was left to the discretion of the individual members.

Q New about the taking of a vete during Verstand sectings, was there over a taking of vote in that sense of the word?

a Voting nover took place during Vorstand moutings not even during this a mortings I attended before 1938 as a guest. What had been miscussed by the The or the committees was usually accepted without any further discussion, a short report was heard and then one went ower to the next point in the agenda. One cast not worlock that up to 1936 the TEA actings proceeding the Verstand vectings were attended by all the important Verstand combers, including those belonging to the administrative council. Mearly all of these were there so that it was not necessary to discuss these subjects once tore. For the large calority of these people present is the Verstead it would may have meant a repetition. That is why it was possible we take only very brief and very concise ports in the Verstand. Such combers if the Verstand who did not belong to the Tea, that is to say mainly conserved members, really would not have boun in a position to judge such credits, but they know that their intreests lay in competent hands and they also know that Scheimret Schmitz always attended TEA Destings and that he represented the financial interests of the enterprise and in that capacity supervises such enters.

DR. VOW MILES: Your Honors, I offer now shother deciment. This is Haufliger Decement No. 20 which your Henors will find in Book I, and . Page M2, and which I offer in evidence as haufliger Defense Exhibit.

13. This is an affidavit of Karl von "cider in which the affiant describes the manner in which matters were reported in the meetings of the Chama and Verstand. "A states that these reports were extremely concise and did not go into details.

MR. SPERCHOP: Or. President, I would like to have you put a question mark basics that particular affidavit. I don't think that there is any foundation for earl won maider talking about what happened in the Worstand because there has never been any showing that he ever attended a meeting.

15 mar do-m-CJ-5-3-Hoxsic-Court 6 case 6

THE IRRESTRANT: Very well, we will make that note.

DE. VON LATELER: But may I make a brief observation on this subject. -r. President?

TIS. PRESIDENT: Yes, you may.

DR. KN : MADER: Kerl von moider was informed about the mostings of the Verstand because he was in close touch not only with Mr. Heafliger but also with Waber-Andreac who was the leader of Verkaufsgemeinschaft Chomikalien, and he prepared for Weber-Andreac these meetings and the reports which he made in these meetings. Therefore, I think he is in a position to judge about the reports in the Verstand meetings.

Q (by Dr. van Autzler): Having explained those matters to ug, would you once : nore briefly surmarize was the satual limitation of responsibility within Farban was?

A In view of the tremendous size of Farben and considering that every mather of the Verstand relied upon and always could rely upon the fact that all important matters would be dealt with by the responsible expert sub-co-missions and sub-cricles and that they would carefully considered and discussed there, a division of responsibility among the Verstand rembers had to take place and actually did.

examination, and I shall now turn to the individual counts of the indictment. First I shall deal with Count I. In this connection let no take out a few of the charge of the Prosecution and discuss them with you. The Prosecution's Exhibit 28, Book III, English Page 9, Werman age 20, a visit of the defendants Buetefish and dettiness at Hitler's place in November 1932, and where questions of synthetic gaseline were allegedly discussed, which, in the opinion of the Prosecution, formed the basis of Tarban's alliance with Hitler as alleged. Did you know anything about that meeting?

A I heard here, through the indictiont for the first time about this repeatedly discussed visit. Gattingau was unknown to me at the time...

I only heard of Buetefish's name. I knew nothing about the part which these two mentlemen are supp sed to have played in the NSDAP with the field of coal hydrogenation and gaining of sythetic gasoline. I was never concurred and I had no contact with such fields.

The presecution's Exhibit 37, Decreent Book III, English Rage 64, German Pego 89, a necting of leading German industrialists with Hitler on the 26th of Pebruary, 1933 and discussed in the house of Geering in which the defendant von Schnitzler allegedly participated, do you know anything about that meeting?

à la heard about that meeting for the first time here through the indictment.

Q Exhibit 56 of the Prosecution, Document Book III, English Page 112, Gerann Page 122, a contribution of Farbun totalling 600,000 marks is quoted thereault of that acoting. Did you know anything about that contribution?

A No, this contribution was unknown to no. The central condition was the aconcy dealing with contributions. I think it has been clarified since what the actual significance of that contribution was.

Q Since we are n.w discussing contributions did you have anything to do with all these contributions made by Parben in which the Prosecution is so interested?

A No, I had nothing to do with them.

Q if I may put the question in this connection, did you know that the defendant Puetefish belonged to the so-called circle of friends of Himmler?

A No, I only learned here in Nurmberg about the existence of such a circle of friends.

Q im. Hacflijer, did you know about the contructions of special stand-by plants for the production of the passion as it is alleged under Paragraph 17 of the indictment?

15 arr.ho-i-CJ-5-5-k xsic-

a I only heard such later about the order to creet such a magnesium plant in achen, an order which was issued by the Aviation binistry,
in 1933. I only heard about it in 1935. When I learned about that
subsequently I considered this a measure which was to alleviate unouplayment. That was sumethin, which was endeavered in ediately after
1933.

Q -of the interrupt, ar. Haefliger. Did you untertain the thought that has snything to do with the re-armsment of Germany?

.. Certainly, but I really wasn't very such aware of that, I thought that the building of highways would bring about of noncessty an increased down of light actals for the building of act r cars. Already in 1930 or 1931 I considered that of the desand for light metals would increase and in view of the technical program which was expected the light notal field was very important. In addition, of course, there was a considerable expension of civilian aviation. I don't know what the authorities at the time thought about re-armament plans. Naturally I never connected this plant not another plant which was later built at Stantsfort, with any aggressive thrughts. Magnesium netal in dermany was to a large extent sed as a substitute for aluminum. It was in a better position than aluminium because rew material could be found in the ematry itself, whereas bandte had to be imported for the production of eluminus. Boccuse of scarcity of the foreign exchange aluminus, had to substitute copper so that accordingly there had to be considerable expansion of the production expecities.

- n. Heaflight, let me now ask you whather you were informed at the time about the so-called mob and war games which are mentioned under Paragraph 17 of the indict-ment.
 - A. No, I only haard about it hars in Nurnburg.
- The Heafflight, in the first pertof your examination you already mantioned that respectates of the sales combine chamicals, in view of your Swiss nationality, did not inform you about certain natters which had to be kept sporet in view of the regulations existing comparing the maintenance of secrecy. Let me therefore ask you very briefly what your knowledge was about the production for military purposes?
- A. I think I through testified on that point. I pointed out that the severe regulations for the maintenance of secreey applied to as insofar as associates in the seles combine chamicals at Frankfurt found themselves in an obvious delemma in their relationship to me.
- Q. Lat me interpuet you. You dealt with that at grant length, and there is no mied to repeat it. When the there another circumstance added to that which brought it about that you weren't informed about these matters our rently?
- Anthorally I was adjointed from current business matters because my job lay actually abroad and consequently I was frequently absent from Frankfurt. Naturally I was not in a position to keep up thick current affairs and really wasn't very interested. With respect to current business I only asked my departmental head to inform me whenever it became necessary in order that I may have sufficient information for the attendance of these international commissions and conventions.

- you have any misgivings when the production capacity of I. G. Farbon was expended, particularly in the field of buna and gosoline?
- A. Naturally I happed about such expansion, but it was always my impression that those production expansions were in connection with the cia of the government which was again and again publicated, namely to form an independent Garman according in view of the scarcity of foreign expansion. Naturally I haven thought and I never connected those expansions with the propertion for an aggressive wer.
- q. Didn't you think when military conscription was re-introduced in 1935, that there was an indication of rearmant of Germany?
- ... No, I considered the re-introduction of military conscription a means for the improvement of Garanay's interactional position. I considered this a prorequisite for the carrying out of the active pendeful foreign policy, as this holds true for all countries. I also considered it a safaguard of Garanay capinat attacks from the outside.

minn?

I know the statistics, and I am sure at that time that consumption in the United States was over 40 million tons. Cleveland, or any bigger city in the United States alone consumed 400,000 tons. That would be the sense of building a huge not of highways and then not be able to use it because of scarcity of rubber? One thing was clear, because of the difficulties in trade, foreign exchange was difficult to obtain. It couldn't get them in sufficient

quantities in soits of the increased export, to meet our increasing damend by import. But what is the use of cheap rubbar abroad if you can't buy it? It is much better to produce your own rubber yourself from your own indigenous raw meturials avan if it is a little more ampansive. Theinergass in price suchly was not very noticeable and in addition synthatic rubber should that it would stand far more than natural rubbar. These were normal and quite sensible considerations which would make same to avan a layman and which could not possibly have load to the thought that there were any intentions of aggressive wor. Perticularly man of industry cannot be charged with having been bitterly deceived by Hitler's intentions. Thist min could not be impressed by purely statistical charts about stocks and reserves. Leyman may have considered them as being considerable, and parhaps laymon still consider them to be very high as the indictment shows. Industrially, however, it would well have been what ther actual significance was in view of the entire population.

THE PRESIDENT: The Pribunch will at this time risc for its morning recess.

(A ricoss was taken.)

15 Mar 48-M-AJ-8-1-Frinces-von Schon Court 6 Case 6 BY DR. VON LETZLER

THE MARKEL: The Tribunal is again in session.

Q. Mr. Haefliger, I should now like to ask you a few questions regarding the syncronization of the activity of farbon with the military plans of the German high commend which is alleged by the Prosecution. What do you know in this connaction about the origin of the task of the Vermittlungsstelle W?

A. as a commercial can I nover had anything to do with this office. The technical management of Ferbon had erected this office for its own purposes. we for the role which this auxiliary department was to play, I herdly bolisve I mood explain it. It has already been discussed and explained here repectedly.

Q. Mr. Moofliger, what about your knowledge of mobilization plens and orders?

A. In September 1939 I was completely surprised by the mobiliantion plant. The tachnical mobilization plans were unknown to me as a compareial men.

Q. Were not such mobilization plans the subject of conformaces with the Ma or whomay

A. No. As for as the Ka discussed mobilization plans, it was only the release of commercial personnel, having them deferred from military service. As for production mobilization plans they core not discussed either in the Ka or in the Cheme. At any rate, I personally know nothing of any such discussions.

Q. Mr. Hoefliger, in this connection I shall put to you Prosecution Exhibit 105, Document Book V. English page 105, Gorman page 115. The offiant Ehrmann has in the last paragraph mentioned your none in connection with negotiations by representatives of Farbon with the Reich Office for Chemistry about questions in defense economy and in connection with setting up mobilization plans before the outbreak of war. What do you have to say about that? 9114

15 Mar 48-M-AJ-8-2-Primanu-von Schon
Court 6 Cese 6

A. This assertion of the affi
not attend any such negotiations. I b

A. This assertion of the affidat Europan is a mistake. I did not attend any such negotiations. I believe I can recall that when Mr. Ehrmann was questioned be enswered to this effect.

DR. VON METRICAR: I offer now in evidence Haefliger Document
No. 21 which your Henors will find in Book I on page 59. I beg your
parton -- 49; and which may go in as Haefliger Exhibit No. 14. This is
an affidavit of Bode Schoof, former titular director of the Verkaufsgemainschaft Combine Chemickelian, corroberating this statement which
the defendant just now mode.

- Q. Mr. Haefligor, did you not have to conclude from the increased tempo of German numerous that the purpose of armament could only be a war of aggression?
- prosumes knowledge of the overall rearrament program. I had no such knowledge. I can only repeat that from my knowledge I could never conclude and I never did ecaclude that the purpose of rearrament could be wer of aggression. I considered the international situation tense but I always believe that this amount had a purely defensive character to ward off attacks which were feared, as the German public was repeatedly told, especially in Hitler's speeches and by other leading Nexis.
- Q. Mr. Hoefliger, did you attend the meeting of the 17th of Docember 1936 mentioned under paragraph 28 of the indictment or did you hear anything about this meeting leter? This is the one on the speech of Goaring.
- No. I did not hear anything about this meeting except what appeared in the newspapers.
- Q. Mr. Haefliger, what is your knowledge of the so-called Krauch Plan? What idea did you have about that?
- A. The term, "Krauch Plan," I recell having heard in conversation.

 I did not learn any details. I assumed that it was a gasoline program.
 - Q. Mr. Hoofliger, in the indictment under No. 34 it is said

that all the defendants had key position in German government offices and agancies which worked on the mobilization of Gormany for war. Did you pursonally hold any key positions?

- A. No. I never hold any such positions.
- Q. Did you mayor belong to an accommic group or sub-group? "ero you nover in diarge of such a group?
 - in No.
- Q. Mr. Haefliger, as you have told the Tribunch, you were often atrond. Did you not have contact there with the so-called foreign organization of the NEDAF or other agencies of the NEDAF abroad?
- A. No. The foreign organization of the MSDAF I had no interest in.
- Q. I not come to alloged perticipation of Ferban in the creation of the Mazi our mechine for aggressive wer; under No. 41 of the indictment, the production of light motals is undertaken, especially magnesium and ragnosium alloys for mirplane construction. -a increase in magnosium production between 1930 and 1942 by over 4,000% is mentioned and aluminum production by over 1,300%. Since you were requainted with light motal devolopments, please tell us thether this increase of production indicated to you in any way proparations for a war of aggression.
- A. No. I have already spoken about this in connection with rearmament. Thorafore, I believe I need not go into it in any detail. Dr. Buergin has moreover spoken rather thoroughly on this subject but I should like to say senathing about the statistics given in the indictment. Quite generally, using relative figures and not concrete figures, one can prove enything. In the present case the Presecution is starting with the depth of depression where megmosium production was probably considerably below 1,000 tons a year and Farbon's participation in the eluminum production would have been about 1800 tens. Magnesium production was at that time using about a quarter of the aveilable capacity; aluminum, less than one-half. This explains this astronomical

15 Mar 48-ManJ-8-4-Princen-von Schon

increase. Starting at the base point for merican magnesium and aluminum production, one can record an increase by 20,000% in magnesium and 1,500% in cluminum, but those are just genes with statistics.

- . Ir. Heafliger, was this Farben's full aluminum production?
- A. Fo, as I said, aluminum production was always half Farbon and half -atallgeselleohaft, aluminum arks Bitterfeld, GmBH.
- . In t was the angeosium under Ditterfeld-Parbon at the end of the war!
- a. ..s I recell it, it totalled theut 25,000 tons of magnesium this 10,000 of eluminum. This latter this together with chitally could be best 20 or 24 thousand tons for Farben. That is aluminum.
- . How many tens of light actule , magnesium and alumental together were produced by Firban at the and of the war?
 - a. .. provinctely 50,000 tons.
- . Com you tall the Tribunal what share of Gamman total production this wes?
 - A. Slightly Icas then one-sixth.
- DR. von EMALIE: I offer in evidence now, Your Monors, another document. This is heafligher Document to. 22, which Your Monors ill find in Book 1, on page 51, and which may go in as Haefligher Datence Exhibit to. 15. This is an affidevit of Otto Bossoff, former manager of the first luminum Verkoufsgezellschaft, GodH, dealing with the cluminum production in Germany, during the years 1930 up to 1940, and to reasons for the increase of this production in those years.
- . In. Hadfligher, in connection with who t you have just said, I should like to ask whether you can give us any information bout the comparative figures of the light set I production in the United States at the end of the wer?
- A. I estimate one and one-half to the million tens of cluminum, and about 250 thousand tens of magnesium.
- under No. A2 of the Indictment, the development of the ellered development of poison gas by Ferben as mentioned. Did you knot empthing about that?
 - A. to, I know nothing about poison as research in Farbon. I did 9118

know, however, that after the first orld for Parben refused to gerticipate in the erob and production of poison gas.

- In Prosecution Exhibit 744, which I shall gut to you, notwent Sook 40, Exclaim part 42, Same a pac 54, muchis made of the production of install or beabshalls and 1 rgs countities of chemicals for us and others. Do you knot in thing shout that?
- n. So, than I want to inspect plant it ditterfuld, I believe it a m in 150, I learned that F round a producing such shalls. I was not informed about the size of this order, however.
- the filigher, Inch come to the lleged collabor bronds our partial connection with mickel, the alleged proper tion on a few of agarcasion. I shall put to you Skhibit 724 of the Prosecution, Journal Book 39, English page 45, German page 79, as well as Prosecution's Exhibit 725, Dominant Scok 39, English page 47, German page 65. Do tot have these exhibits before you?
 - A. Tes.
- places give nemplementer of it.
 - a. "til, I read this offidevit this you . for days to.
- . Fr. Siefligher, ou that to refer to the offidevit times you are bout to introduce?
 - .. Yes, thet's right.
- In order not to burden the record too much with technic 1 details, you are introducing to offic vie to which you sum up this document now in evidence, he offigher bocument No. 25, which Your Honors will find in Book 2, on you 32, and which may go in a Macfligher Echibic to. 17,oh, I beg your parden, 16. This is an officivit of the defendant which in Part 1, contains an extract from a report which will be offered in evidence as one of the following Kaefliger documents, and tailed is part 2 is define with several Prosecution exhibits, nomely 725, 74, 722, 693, 726 and 726.

THE COURT: Doctor, you had better report.

DR. von ETTIE: 725, 724, 751,722,683,726 and 728.

The folion and testifies that the report introduced by the Prosecution as their addition, regarding the policy of the nickel trust, is a boom overeast sited and that in this report the extremely valuable services in return rendered by I.G. and consisting in the supply of technical experiences in this field to the Mickel trust, have been suppressed on purpose in this report.

To be surthermore stated that the building up of a structured nickel resorve, to corresponding to the sales taken in all countries before the cutbrook of the ser and then the German mickel stockpiles then conjured with the normal consumption of mickel, the cuits medicate.

Facilither furthermore testifies on the tremendous stockpiling of neckel in trust Britain, a fact which did not provent I.G. from justing at the disposal of the lond Mickel Company, London, up to the last days before the mattrock of the very their technical experiences in this field.

Honors will find in Book 2, on page 1, and which may no in as Wefliger Exhibit to 17. This is an affidevit of Clamens Brendel, format director in the Layer Department of the I.G. Firben Plant, Ludwigshoven. ... woreled to this ifficavit is a copy of a report which the affident and the Colondant made on 11 July 1946 upon request of 1.G.'s control office, on the agreement which existed between 1.G. on the one part and and Makel Company, Jad., London, and the International Mickel company of Toronte, Canada, on the other part.

In this report the negotiations between these companies are duelt with and the amount of additional special stocks of mickel as a splied by the aforementioned companies to I.G. are discussed also in this report. It is stated that at the outbreak of the var in Germany there was available a stock of nickel, including those special additional stocks, which did not swifter for a period exceeding five menths.

It is stilled furthermore, that I.G. had made symilable to some light!

Statest and indernational Nickel Company, valuable experiences relighed to the production and processing of mickel, even in the last days before the outbrack of the war.

The report shows the extremely fractedly ecoporation which existed betreen the just cention d three ecoponics until the outbreak of the war.

Ther reners, I offer next in evidence Heefliger Document to. 24, which lear Honors will find in Book 2 on page 30 and which was no an as Haefliger Exhibit 18. This is an affiliavit of Clamons Brendel, one of the authors of the just mentioned report, on the absing exhibits to this report.

Toller next in evidence, Your Monors, Heefliger Document 20, which Your Homors will find in Book 2, on proc 66, and which may go in a Heefliger Dombit 19. This is an affirevit of volter Schotzardt, France charlest has bee I.G. Plant, Oppose, on the annual production of monor in this plane.

Formers will find in Book 2, on page 71, and which may go in a MacRigor's Eddbit to 20. This is an affidavit of Ico Schlocht, former or mist in the I.S. Flant of Copau, the is tratifying on the friendly and local ecoparation between I.G. and Level, Iandon, and International Makel School of Communication and the making symbol. To these ecopanies, to I.S., of extremely valuable experiences relating to the production of mickel powder.

The affiant furthermore testifies that the stock of nickel in Germany which was available at the outbrief of the war, amounted to 2,124 tons, and did not suffice for a period exceeding five months.

I offer next in evidence Haefliger Document 25, which Your Honors will find in Book 2, on page 80, and which may go in as Haefliger Tachibit No. 21. This is an afficient of Dr. Alfred Poterson, now President of the Chamber of Commerce at Frankfurt, who is testifying on the necessity of stockpiling mickel raw materials for the purpose of producing mickel metals. The affiant states that such stockpiling was a matter of economic foresignt, regardless of all considerations of war or rearmament.

- Q. Mr. Haufliger, among the documents which I have just introduced, there is an efficient of Mr. Lee Schlocht, dealing with the quantity of nickel stocks available in Germany before the war. He says that this supply would have lested for about 5 months only. That sort of supplies dois this refer to?
- the nickel factory for the capacity of this factory was about 4,500 tons of nickel per year, so that a supply of 2,140 tons, as ir. Schlocht status, with a deduction of 10 per cent loss in processing, naives about 1800 tons. That amounts to exactly five months, referring to requirements of Parben, but if you compare this supply with the total requirements of Germany, then I believe it is only barely two months' supply, perhaps less,
- i. Thank you. I have an affidavit of yours on the whole niceal situation. I have introduced this as Exhibit 16. Do you have anything to add or change in this affidavit?
 - A. Yos, on pages 21 and 22 of my affidavit, Ho. 2 -
- Q. Excuse me if I interrupt you. That is on the English pages 52 and 53, of the Document Book. Please continue, Mr. Haefliger.
- A. I have given some estimated figures about the imports of nickel to England in the form of one concentrated and mat. I should like t correct these figures for concentrate and mat. The figures given for 137

158, on Page 52, 26,244 tons, and 27,133 tons, are probably too high. The ore also contains other metals, for example, copper, and also traces of procious metals. In order not to give the figures too high, I should like to divide them in helf, 13,122 for 1937 and 13,566 tens in 1938.

Then the figures for the total im orts of England, on page 19 at the top, that is pare, -- I am sorry, I do not know the English page.

- 7. That is 303. 53 of the Inglash Document Book.
- i. This figure should road, 1936, 11,539 tons nickel content; 1937, 33,909, and 1938, 34,055 tons. Consequently the mickel reserves of England, existing in 1937, instead of being a proximately 37,000 tons of nickel concentrate should be about 24,000 tens.
 - Q. Otherwise are there thanges to make in your affidevit?
 - A. No.
- Q. I now go on to mother subject. The Prosecution alleges that the potential enemies of Germany were weakened by Farben. On No. 50 of the indictment, it says that the beenemic policy of the Mational Socialism and of Ferbin, was aimed at strongthoning the Cormon Mehrmacht against all other countries, including the United Status, and to weaken the economic strongth of these countries. Wr. Haufliger, in your special field, International Conventions in the beavy chemicals field, you had constant touch with other countries. Now I ask you, in this activity word you over led by such ideas, or did you over do anything to this offact which might have been interpreted as weakening the potential enemies of Girmany?
- No, never. The Conventions thich I handled were primerily ones which had existed long before 193). In part they were already in existence in 1900. These Conventions were for the purpose of regulating the market and keeping prices stable in the interests of the consumer, too.
- Q. Would you please, in order to give the Tribunal a cher picture, describe the Conventions from the heavy chemicals which you were in charge of, - briefly?

As The Sulphate Convention, English, French and Relgian and Inter the Children group participating; the Potassian Convention, French, Swedish, Italian and Swiss participation; also the Dichromate Convention, English, French, Bolgian and Italian Group. In 1934 Russia joined this Convention, too, not as a member but by virtue of a special agree with.

The Phosphorus Convention was Swedish, English and French
participation. The Sulphur Natrium Convention was English, Swedish and
Eulgian participation. The Purro-Polinan Convention was English and
French participation, the incomment motal convention with Austria and
several others.

- Q. Ir. Haefliger, if I understood you correctly to say that in all of those Conventions, there was also German participation under Parbon lunderships
 - A. Yes.
- Q. If Hanfligur, would you plot to briefly describe to the Tribunal the special circumstances in the heavy chemical slater for the establishment of Conventions?
- to products. Those products are produced in almost all industrial countries. The technique of production is generally known. It is a well-known fact that when production capacity in this field is fully exploited, the production can be very cheep, so there is clarys the dengar that the manufacturers would attempt to dispose of their surplus products at very low prices. This, of necessity, leads to intermitteed agreement which, as I said, had existed for decades. The Conventions were, as a rule of short duration, usually one year, in order to be able to adapt than to the existing agreement tions.

These Chemical Conventions brought with them price stabilization, which was desirable for the consumer too, especially since it was known that price fixing was always appropriate and never extreme.

Q What was the significance of these conventions within the over-all framework of the cartel system of Farben?

A Most of these short term agreements were considered as current business and therefore were quite unimportant as compared with

Q Mr. Haefliger, in what spirit were the negotiations for these conventions carried out, as far as you were present?

A Purely business and fair understanding.

Q What questions were dealt with primarily in these conventions?

A Mostly adjusting the amoun t of deliveries of the various members. The calculations were made by a confidential person. Also the doing away with difficulties which often existed with one partner or another. The representatives wanted to sell their product because they lived on commissions, and this often brought about difficulties not among the manufacturers but among the agents who had to be taken care of in some way at such meetings so that everyone was satisfied.

Then of course prices were discussed and something that was very important: outside questions that always came up, that is, competition which was felt, and underbidding.

Q These negotiations which you have just mentioned - were political matters ever brought up for discussion or did political considerations have any influence on the course of the negotiations?

A Mo, certainly not. We weren't political people; we were commercial people.

Q Was this not changed after 1933?

A Mr: after 1933 too his negotiations were held in the spirit which I have described. We want on the principle of "Justness as usual." The change in the German government was a fact which we accepted, which we took into the bargain. If any difficulties arose, we had to overcome them. We wanted to go on with our business as it had always been; nothing else, just as if a new protective tarrif came in another country. We

had to manage to adapt ourselves to it, find a way out, or send the goods to someplace else. Those were the difficulties which of course became greater and greater.

Q ir. Reefliger, if I may ask you, did you take advantage of these conventions associations parhaps in order to increase Germany will tary strength at the cost of other countries, the countries which later becaus Germany's enemies? Or porhaps in order to carry on Hasi propoganda abroad?

A No, that is quite out of the question.

Q Did you observe any such attempts by other Germans present at these negotiations?

A No; if I had noticed any such thing, such tectlessness, I certainly would have stopped it immediately.

Q After 1933 here these conventions always renewed in the same

A Yes, nothing was changed. This fact is the best proof that Farben did not attempt to push the foreign firms to the unll and weaken foreign strength, as has been alleged here, because if Farben had intended this she would have stopped these conventions and begun a price war to achieve as great an export as possible. The few temporary cases of dissension which I observed in almost thirty years were never by Farben. Farben was always interested in keeping peace and compromising.

Q lir. Haefliger, after 1933, aside from the old conventions which mere renewed, were there any new conventions in which Farben particle puted in your sector?

A Yes. This is again proof of the fact that Farben's policy was dictated by business considerations.

DR. VON HETZLER (Counsel for defendant Haefliger):

Some more Haefliger documents. The first document is Haefliger Document No. 29, which your Honors will find in Book 3, on page 1, and which may go in as Haefliger Defense Exhibit No. 22. This is an affidavit of James Fairlie, of Watling Lodge, Falkirk, Scotland, Chairman

of Mesers. John and James White, Ltd., Chemical manufacturers, Shawfield Works, Rutherglan, Scotland. The affiant testifies on the internation convention regarding the bichross industry to which the following countries were parties: U.S.A., Great British, Germany, Prance, and
Belgium. The witness testifies that the defendant Haefliger attended
several meetings of this convention as a representative of I. G. Farben.
The witness, the himself was present at various conferences in which the
terms of the convention were discussed from time to time, testifies that
the convention was initiated and operated entirely for commercial reasons
and that no question of international policies over areae. He states that
these conferences were purely business meetings attended by businessmen
with no thought of international affairs, except from the angle of socuring a fair distribution of raw materials and bichrome production.

As to the attitude supplied by the defendant Haefliger on these occasions, the witness testifies, I may quote:

"I remember that ir. Haefligor attended some of these conferences as a representative of I. G. Farbon. I have no hesitation in stating that he made no attempt to introduce any politics or propogends and I cannot find in my contracts with him any indication that he was interested in limit or German propagands. No such attempts would have been telerated by me nor, I think, by any other member of the convention."

The affiant concludes his statement by saying that all parties over a long period of years were satisfied with the working of the convention and with the general attitude adopted by the various companies.

I offer next in evidence Haefliger Document No. 30, which your Honors will find in Book 3, on page 4, and which may go in as Haefliger Exhibit No. 23. This is an affidavit by Aleck Bevan Button Wilson, of Stourpaine Manor, Blandford Dorset, Chairman of the Egglesclif Co., Ltd., Eaglescliff, County Durham. The affiant who had known the defendant since 1932 corroborates the statement of the affiant James Fairlio.

I offer next in evidence Document No. 31, which your Honors will find in Book 3, on page 5, and which may go in as Haefliger Exhibit No. 24.

This is an affidavit of Kenneth Henry Wilson of Park Hall Kiderminster, chairman of the Kessrs. Albright & Wilson Ltd., chemical manufactures of Oldbury, England. The affiant testifies on the international phosphorus convention, of which I. G. was a party. He states that this convention was initiated and operated for purely commercial reasons and that no question of international policies was ever discussed at the meetings of this convention. He states that especially the defendant as a representative of I. G. never made any Heat propoganda or attempted to gather strategical information about British and foreign industries in this field. He goes on to say that Haefliger's attitude did not change after 1933.

I am offering next in evidence four documents which are affidavits of former Farben employees working under the defendant Haefliger in the field of international conventions. All four affiants corroborate the statement of the three just mentioned non-German affitnts regarding the attitude of I. G. in general and of Enefliger in particular displayed in the field of conventions, other than those touched by the non-German affiants.

I offer in evidence Document No. 32, which your Honors will find in Book 3, on page 6, and which may go in as Haefliger Exhibit 25. This is an affidavit of Wilhelm Kemp, former titulary director in the Verkaus-gemeinschaft Chemikalien.

I offer next in evidence Haefliger Document No. 33, which you will find in Book 3, on page 15, and which I offer in evidence as Haefliger Exhibit No. 26. This is an affidavit of Bodo Schaaf, former titulary director in the Verknufsgemeinschaft Chemikalien. .

I offer next in evidence Haefliger Document No. 34, which your Honors will find in Book 3, on page 19, and which may go in as Haefliger Exhibit No. 27. This is an affidavit of Walter Aux, former Porkarist in the Verkaufsgemeinschaft Chemikelien. The affiant testifies on the political attitude of Haefliger, and he states, I may quote a rather significent sentence from his affidevit:

and in National Socialist propogands either in correspondence or vorbal associations. Herr Haefliger was too much of a cospopolitan to be effected by Mazi ideology. The ideal which he envisaged to the end was rather the union of Europe in a federal state, following the American pattern. I remember that on several occasions he advocated the idea of a unified Europe in private talks with foreign partners and also with people of his own country, and regretted that we were moving further and farther may from the realisation of this idea."

I offer next in evidence Haefliger Document 35, which your Honors will find in Book 3, on page 25, and which may go in as Haefliger Exhibit No. 25. This is an affidevit of Wilhelm Schneider, former Prokurist in the Verkaufsgemeinschaft Chemikalien, corroborating the aforementioned statements.

BY DR. VON LETZLER:

Q Mr. Haefliger, I should like to ask you a question in this connection about the licensing and opening of the most modern magnesium
factories by Farben in England and France in 193h to 136. These countries were made completely independent of Germany. When I say windopendent" I mean in the subsequent term of course, after the factories
had gone into operation.

Do you know anything about English customs policy after the establishment of these new factories?

A Yes, I recall that after the magnesium factory was opened in England, a high protective terrif was put on the importation of magnesium, at least a high terrif. It also affected American exports to England.

- n. There person technical experts involved in the construction and operation of the new magnesium fac tory in England and Francis
- A. Yes; I know that mitterfuld men went to England stout this time to build rad open the mangesium plant. The Bitterfuld management supplied its most modern achievements and experience.
- o. In what your was that, hr. Heafligar, that thiss Bitterfold can wont to Ingland?
 - A. After 1933.
 - 1. You onn't remember the yearsy
- i. The factory in Bacland was started in '35 or
- q. Now, did Farban have ony financial interest in this new magnishum factories in England and France?
- I. Yes. It owned the English plant together with Imperial Chamistries and the Frank Hughes Company. I belive Farben owned about thirty percent. Not the Franch factory; there was merely a license payment in this case.
- field of magnissium policy of Forban abroad, specifically in the United States. In order not to overburden the examination with technical details I shall not ask you anything further about this point, but I shall introduce an
 affidavit of yours where you deal with this whole question.
- DR. VON METELER: I offer now in swidenes Hasfliger
 Decument No. 36, which your Honors will find in Book 3, on
 page 30, and which may go in as Haefliger Exhibit No. 29.
 This is an affidavit of the testimony on the magnesium policy
 pursued by I. G. abroad, in particular in the United States,
 England and France. The defendant testifies that the

by the desire to introduce acquesium throughout the world on as wide a basis as possible.

The defendant states in particular that the generous way in which I. G. had and available their experience in this field had placed Zogland in a position, by erseting a magnisium plant of its own, to make herself independent of foreign supplies as from 1937.

As to the United States, the defendant described the great difficulties which I. C. encountered in view of the circumstances in the United States in this field, in particular as for as the desinating position of the cluminum industry is concerned.

Hadflight tostifies on the various negotiations and attempts by I. C. to introduce the acquestum production and its processing in the United States on as broad abasis as possible. He states that the acquesium policy of I. C. in the United States never cloud at the hampering, but on the contrary at the forthering of the acquesium production.

BY DR. VON METZIER:

- fidavit, Exhibit 29, about Farben's magnesium policy. no you have any additions or corrections to make to this affi-
- A. No, the affidevit corresponds to the state of affairs as I recall it.
- Q. Mr. Hanflight, you have already given the Tribund on example about Farban's sconomic policy toward other countries, indicating that Farban had no inhibitions against giving magnesium licences abroad until shortly before the war, even though magnesium was a vital war material, and

no objections to giving may emperioned to England, France, and the United States about neguesium.

can you give us any other examples of this attitude of Perban's toward other countries in other fields in which you worked?

A. Yas, I could give the Tribunal a particularly atriking example, the licencing of the nickel process, which is also an assential war material, the licence given to England.

On the besis of the rereasent with Mond Wickel Company, London, Farbon and declared itsalf willing to build a factory at Clydach, Milas, for the production of nickal according to its now pickal carbonila process. For this purpose Forben and to take the complete blueprints and the details for the communication of this factory, and at the request of the Hond Hickol Company, in 1938 and 1939, special apparatus was and available which, because of the stall shortege in Ingland, could not be obtained in time. also, at the beginning of .mgust, 1939, only a few works before the outbrack of wer, Forben sent one of its experts in this field, pr. Otto quadenberg, to England to start the distillation factory at Olycech operating. Dr. Buddenbirg did this work, and on the 24th of Lugust, 1939, the distillation factory was turned over to the Mond Nickel company, randy for operation. He left angland with one of the last planes shortly before England declared wer. Forbon received no financial compensation for this important knowledge.

In the summer of 1939 it and been agreed that a suitable licence would be set on a friendly basis after the

15 Marc h 48-M-DC-1 -4-3cm. b (von Schon)

new plant at alydneh had been operating for a year or longer, and the reduction of prices by the Perben process had been astablished. Actually, we had confidence that we would be able to reach a fair agree wat for remuneration.

15 Mar 48-M-LJ-13-1-Gaylord-von Schon Court 6 Casa 6

Q. Your Honors, I offer now in evidence Heafliger Decument No.

37 which Your Honors will find in Book III on Fags 47 and hick may go
in as Heafliger Exhibit No. 30. This is an affidavit by the just
mentioned Dr. Otto Buddenberg, former chamist at Oppen Flant at I.G. The
affidant testified about the attitude adopted by I. G. with regard to the
erection of a new mickel plant at Clydach. England, which was the result
of negotiations between I. G., the International Nickel Company of Canada,
and Mend Nickel Company, London. He testifies that I. G. fully supported
the English and Canadian companies with respect to the building of these
plants at Clydach and seeing them marking. He doclares that he, himself,
was in Clydach for said purpose until a few days before the outbreak
of the war in order to put the new plant into operation.

Mr. Haefliger, in conclusion of this chapter, please give us a final example of how Parbon, right up to the outbreak of war, gave its experience to foreign countries in important vital war fields without reservation. Can you give up a final example?

- a. Yos. From my field of mork, I can't do it for all of farbon.
- Q. Ho. Ploase restrict yourself to your own field.
- A. In November 1937, there was an agreement with Measante Chemical Company of St. Louis at Measante's request. Megatiations were introduced for licensing a very important factory in the Tempessee Valley since the process for the production of phospherous of phospheric acid did not function. In 1938, those negotiations were concluded and the Bitterfold expert in this field, Dr. Ritter, sent to St. Louis and was able to do new with the difficulties in a short time. Thus Farbon and a very important contribution to the frictionless production of an important war production, phospherus, by the Measante Chemical Company in the United States. This production was very large. As far as I recall, it was about 40,000 tens a year at that time. We had been thinking of the production of phospheric acid for fortilizers and productions for move detergents, Neither we not, I am sure, Measante were thinking of war.

15 Par 48-N-AJ-13-2-Gaylord-von Schon Court 6 Caso 6

- Q. Mr. Hamfliger, did the exchange of experiences with Monsente, which you montioned, did it continue until the outbrock of the war?
- A. Yes, as I hard later the exchange of experiences after the plant of Tennesses went into operation was continued in writing even after the outbreak of war in 1933....
 - Q. You mone 1939.
- A.via Smitzerland. "a wore convinced that there would be no war with the United States.
- Q. Your Honors, I offer next in evidence Heafliger Decument No. 38 which Your Honors will find in Book III on Page 50 and which may go in as Hanfliger Defense Exhibit No. 31. This is an affidavit by Dr. Friedrich Fitter, former chamist at the Picsteritz plant of I. G. He testifies that I. G. had, without any reserve, placed their experience in the phespherous field at the disposal of the Mensente Chamical Company. United States. This resulted in the removing of certain difficulties which had cropped up at the exercises plant. The affiant goes on to say that this exchange of experiences continued even after the cutbrook of the mar irrespective of the fact that phespherus was being used later on for wer purposes.
- Q. Mr. Hoofliger, as you have already said, in 1937 you were in the United States twice for rather long stays. Did these trips have anything to do with licensing of wital mar amtorials?
- A. May I be allowed to make the following remarks in Emplish because I should like to just give a few words about scheme to which I have devoted much labor and many years in the U.S.A.?

THE PRESIDENT: You may do that.

THE TIMESS: It is the question about quite an important schome for the production of chlorate of sods which has occupied me in the United States from even before 1933 on saveral occasions. Chlorate of sods is a very excellent and cheap unterial for week killing, or to express myself, for credication of paradicuss wood, and it is used mostly

15 Mar 46-M-W-13-3-Gaylord-von Schon Court 6 Gaso 6

for the eleansing of railroad tracks, we had been in touch on this field thich to developed from 1928 entereds with every expert imprison firm, the Chipmen Chipmen Company in New York. The requirements increased very fast and Chipmen used to cover his requirements from the only manufacturer in the U.S.A., the Miagars alkali Company. But they had not amough production to cover the increasing demand and could not extend their production in Miagars because the electric current which had to be very chesp for this product was not evallable in sufficient quantities any more. So Chipman came over to Surepe and he used to buy from your to your his increasing quantities of chlorate of sode of the the I. G. and with the French manufacturers.

Now Chipman, who developed into quite an expert -- I might say perhaps the best expert in the world for weed oradication -- had the ides to introduce this medium also in agriculture and he expected therefore a very big increase. So he approached us in 1937 for the third time to go together with him or to give him the license for an american Company to produce chlorate of sods on the must coast. At that time in Oregon, the Bonaville Dam on the Coloredo River was in erection, and along with it, a big power station, and Washington very much favored the creation of new industries in thisfar off state of Oregon so that current was very cheap there, and that was just what was needed for chlorate of sods. On this invitation we at once declared our readiness to give a new company -- an American company -- our license and all our experience, and we further invited the French manufacturers to go with us together and to give us their terms elso, and their experiences, so that we could offer to the new American firm the combined very valuable know how of both the Germen and the French manufacturers.

Now to study this scheme of some importance that brought me twice in 1937 to the States and to California and to Oragon -- and I was there together with a technical man from Bitterfeld, Pr. Moschel -- together we met there also the French representative from Faris. The plant was 15 Mar 45-33-4-19-4-Saylord-von Schon. Court 6 Case 6

to be eracted at Bonnsville and all the measures and all the preliminaries mere so far settled that we thought we could go ahead. This scheme unfortunately didnot come to pass, although it had a big attraction tessues when we were there on the spot in a very fine country in Oragon, and in Fortland we had a vision: we thought if we started on this chlorate of sods field, later on with the current available at a cheep rate at Bonnsville, we saw prospects for developing there nitrogen and use the phosphate deposits in Idaho, second only after Florida -- very fine deposits, which could at that time not be explored owing to the fact that Florida was in abatter position by freight and so on, but there was the possibility to have this phosphate rock from Idaho make nitrogen and nitro-phosphate rock from Idaho make nitrogen and nitro-phosphate and supply the increasing demand of California with fertilizer on a big scale. That was just a vision for the future.

Well, all that did not come to effect because a new crisis set in in the American agricultural field. The man behind Chipman, a Mr. Bernuth, after a new survey, was not ready to go sheed. I may say it was, of course, a bit disappointing to hear in this crisis when one of his amlessen came back from Nevada and told him that a farmer had told him to leave his shop, asking him, "What do you went to sell my that for?"

"Well, for wheat killing."

He said, "My God, man, it took me five years to raise this wheat."

Well, that is just a sidemay. Anyhow the project had to be abandoned, but later on it was taken up again with smother part of the Fennsylvania Salt Manufacturing Company, and only the outbreak of the war prevented it from coming to a satisfactory solution.

IH. VON TELER: Teank you, Mr. Haefliger. Would this be a suitable moment for recess?

THE PRESIDENT: The Tribunal will rise until one-thirty.

(The Tribunal adjourned until 1330 hours.)

15 dar.hu-4-CJ-15-1-Jaylord-(Ramler)-

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 15 March 1968).
TIS. March 1968).

DR. MUDICADIX: By I draw the attention of the Tribunal to a motion for a few minutes which I shall also submit to the General Secretar: I don't have to speak about the contents of this motion to any great extent. It has no legal nature nor is it technical, but it merely contains a request on the part of all the defendants, and we ask you to fulfill it.

The prison discipline and the order of this Tribunal run along side of each other, but obviously the prison arrangements are not prepared for the early beginning of our trial at nine. During the DAT we started at ten, and then later we started at nine-thirty. As a result the daily life of the defendants is subject to such temporal pressure that their physical conditions as well as their psychological conditions connot follow these proceedings. I, personally, think that they can narraly be expected to.

This potion is substabliated by a musber of other reasons, and attached to it is a request which the defendants some time ago directed to their defense counsel. In order that the Tribunal may gain a planure of a day in the prison, there is an aifidevit attached of ar. von Bohlen, who made a similar request in another trial. This request unplies in the same way to these defendants. I don't think I have to say any more. I refer you to the motion and its annex. I merely ask you look at this motion, not only with your minds but also with your hearts.

The course, for the time being we do not know the contents but we will familiarize ourselves with it, Dr. Dix.

You say continue Dr. von Metgler.

PIPLOT TEAMINATION - Continued

PAUL HAEFLINTE - Mesumed

BY IR. YOU SATALER:

I -r. Haziliger, before the recess I discussed with you the chapter concerning your convention negotiations and the licensing of war essential products on the part of Farben towards foreign firms.

I as now turning to a new point in the indictment concerning the espionage and propaganda service of Farben as it was alleged by the prosecution.

I only have a few quantions to put to you in that regard. The prosecution has substitted exhibit 362 of Document Rook IIV, German Page 1, Roglish page 1, and another exhibit 363, Book IIV, Suglish Page 9, Berman Page 11, concerning the NA meetings which you attended. Certain directives were dealt with with respect to the political reliability of Farben members by centlemen of the foreign organisation of the Party. Fint can you tell about these exhibits?

A I think Dr. Norhoff has bestified on these questions in his capacity as an expert witness. I personally did not concern mysel" with these questions, and in the interest of time I don's have to go into that question; moreover, Tassume that Dr. Elgner wall in due course take position with respect to that question at greater length. I should only like to refer you to the following passage of Exhibit 362, English Fage 5; it reads, and I quote, "There is an agreement amongst everyone that reinforcements are necessary in the foreign organizations along the entire line in order to be able to ment the activity of the Anglo-Sixon concerns."

With reference to Exhibit 363, English Page 13, I see merely windowdressing in the contents of these minutes.

Q may I interrupt you, Mr. Haefliger? For the information of the Tribunal, would you blease explain what is being dealt with in that exhibit?

Perhaps you can read the text of the passage in question to the Tribuncl.

It's Exhibit 353. I will hand it to you from the file. Perhaps that
will help you.

- A I su afraid I haven't got it.
- Q This exhibit states that if possible only such gentlemen be sent into the foreign organizations who show a certain political reliability.

 What can you say about that?
- a I can't remarkar having heard such pronounced statements at the meeting itself and I do not remember any discussions. I assume that the person recording the minutes was very liberal and did that subsequently, and that is how this formulation came about. This was the very time when doering and other Nazi functionaries threatened companies who had not executed in their foreign organizations their Aryanisation measures. Apart from that, let me point out in this connection that during the summ meeting of the Ka, Gebeimrat Schmitz invited the Jewish General Director of Dynamit-Nobel a.C., Pressburg, Zuerich, Gebeimrat Phillips, and for that reason alone it must become clear that this later formulation of these minutes werely represents a window-drassing and is far too pronounced to be correct.

- 1. Mr. Haefliger, did you know enything about the so-called alleged espionage activity of the foreign organization of Parken?
- A. No, I did not know enything about that. It was not espionage; it was morely economic information service, as it is being carried on by many other concerns with respect to their field of activities. The Farban sphere was very extensive and comprised all spheres of industries and that is why the information service had to be rather broad in its scope. I do not think I have to go into that now, because I think Mr. Illgner will deal with that point exhaustingly.
- C. I am now turning to the last part of your examination with respect to Count I of the indictment and I have to put a very few questions to you. Tell me, where were you during the critical month of luguet, 1939?
- A. At the beginning of August, 1939, I went into Switzerland for a prolonged vecation and I was utterly taken by surprise when the war started. Let me starte, at the same time my secretary had her vacation in Bulgaria. I remember that she asked me whother I would want to dissure her from going into the Balkan in view of the tense political situation. I remember I said she should just go without any further four for I was sure there would not be any war. Furthermore, let me refer you to what I said to the Swiss Consul of my district.
- A. Mr. Haefliger, there is one more question in that respect, which, however, refers to the time ofter the outbreak of the mar. However, to a certain extent, it still belongs to Count I. Did you actually attend the Ka Moeting of the 29th of June, 1940 where the economic new order in Europe was discussed? I put to you Prosecution Exhibit 813, Document Book 45, English page 140, German page 185.
- A. I do remember that meeting. I was just recuperating from a soverce illness at the time and I expected to go on a long vacation to Italy.

 I remember that question. It was the so-called Montoir period. That is the pariod when negotiations were carried on with the Vichy Government

shout the seasonic order in Europe. At that time it was generally believed that a general peace was imminent and it seemed natural to me
that the Government would start concerning themselves about the future
development of technoly and they asked private enterprises to give their
views. I did not concern myself with those questions at the time and
when I returned in August the work had practically been concluded. I
never read the Perbon memorandum on that point.

Q. Mr. Heafliger, concluding your exemination on Count I of the indistant, would you please once more state the so-called subjective state of affairs, that is to say, your own knowledge of the intentions of the Sitlerite Government to wage an aggressive war. Die you have that knowlodge?

A. No, I must dony that with all emphasis. .coording to the reports in the German press, according to speeches made by Hitler and other Covernmental functionaries, where again and again the love for peace on the pert of Garmeny was amphasized, I had to essume that an aggressive war on the sort of Germany was not intended; I did not know of any special plans of Hitler at the time. I remember particularly that on the 6th of September, 1938, the Germen-French perce egreement was considered by me with great joy as a further guarantee of peace. When I heard about the Fleet igraement with England, I interpreted it was a sign of future purce and I did not think of any aggressive intentions. I always thought of Gormony as representing the defensive point of view. I was very impressed by the speech of the Swiss President, Motte, who, in 1933, said in a speach that Switzerland had to remain armed and then he said, "Those nations who do not safeguard, or widen their military defense muasures will be the sed proy of invesion." On the occasion of the Swiss festival on 1 'ugust, 1934, I quoted that speach in my capacity as Swiss Consul to my countrymon and I added the following commentary: I quote from my speech: "These are profoundly Swiss courageous and statesman-like words. They do not criticize at all these events which happened, those events

which happened and are still happening in other countries. They merely demand in an impressive manner that we want to be independent and free masters of our own destiny. For that purpose an appropriate defense force which shall secure our freedom shall be established. On the other hand, this speech also stated that any other country should have the same inalignable rights and I continued that those words shall be engraved in our minds and serve as the guiding principle for all our actions.

I sould quite many other passages from my speeches which show my

faith in the maintenance of pasce; in the interest of time, however, I

shall limit myself to that one quotation. I want to show with that,

that I, without at all being a militarist, considered the right of de
fense as a natural right of all free people aspiring towards peace and

freedom. That is why I naver saw in the re-armament of Germany a prop
aration for aggressive wer.

Finished with respect to Count I of the indictment. I am now turning to Count II, Plander and Spolistion. The indictment charges you in that commection with participation in an alleged spolistion in Justice, which started with the sequisition of the share majority of Skoda-Wutaler A.G. from the Justice Credit Institute. I must put a number of questions to you in that respect.

Paragraph 22 of Part II of the Trial Brief maintains that Forben already before Austria's annoxation had endeavored to acquire the majority
of the shares of Skeda-Wetzlur, ...G. from the 'ustrian Credit Institute,
but that these negotiations failed as a result of the rigid opposition of
the Austrian Credit Institute. Is that situation correct? Would you
please state your views?

A. This description is in no way in accordance with the facts. Many years before there were negotiations being carried on with respect to a participation of Farben with Skeds-Netzler.

initiated these negotiations?

- That was Mr. Isidor Pollak. He was called, "Central Director" before.

 This is a title which only exists in Austria. He is beneath the rank of General Director. He only became General Director after 1935.
- C. Could you perhaps tell the Tribunal something about the motives which prompted Mr. Pollak to express the desire for Farben's participation in Skoda-Mctzlor?
- A. The Skode-Wetzler plants could only exist as a result of the high customs errangements. This axeluded foreign competition for the Austrian market to a large degree. Consequently an economic union of Westria with Germany would have led to a downfall of this enterprise.
- Q. You were speaking of an economic union of both countries. What do you meen by that?
- before 1933 had been discussed and as it is known, it was supposed to have failed as a result of France's interference.
- Q. Mr. Heafliger, if I understood you correctly, you meen that the bosis of the so-called Skods-Netzler A.G. may have been shaken as a result of the dropping of the high customs regulations and as a result Mr. Pollak tried to get into closer connections to Farbon.
- Tos, on export like Mr. Pollsk realised that without further development, without further progress, a chemical enterprise cannot survive and he also realised that Farben would be in a position to revive a chemical enterprise. He was a very sensible man and he must have recognized these questions to be valid.
- Q. As far as you remember, when did the first controt take place between Mr. Pollak and Farben?
- A. As for as I heard, Mr. Pollak stready in 1927 succeeded in forming, a commission of Vorstand members of Farben, among which Dr. Kuchne was,
 who visited him. In getting that commission to visit him, he already on
 that occasion expressed the desire for closer connection with Farben. The
 same took place on the occasion of another visit which was made by Dr.
 Kuchne and by Dr. Buergin, I think, in the year 1936.

- Q. Did Ferben resct positively to these first approaches by Mr. Pollsk?
 - h. No, not at first.
 - Q. ad why not?
- i. The products of Skoda-Wetzler protected by customs were not sufficiently attractive from a technical and a commercial point of view to prompt Farben to take such a step.
 - . Did Pollak thereupon try to approach other enterprises?
- is then heard that Pollak approached Prager Verein, the Progue Association for chemical and metallurgical productions, as well as the largest Italian chemical enterprises, Montecattini, i.G.
- 2. After Polisk had approached these corporations which you just mentioned, aid the attitude of Parken change with respect to the participation project of Skode-Wetzler?
- Association, which was our most important competitor in Austria, because the Prague Association had an important participation in the Ebensee Fretory in Austria, would have meant a danger to our interests. This crused us to change our former point of view for purely economic considerations. In addition, the Austrian Government at the time requested the construction of a nitrogen plant for which Skoda-Metzler would have been primarily suitable.
 - 4. Ware reports sade on that in the Communes Committee?
 - i. Yos, in the mosting of 10 September 1937, that is Exhibit 363.
 - 1. Is it = prosecution comibit?
- 12, German page 18, Mr. Mober-Indrese as head of the Labor Chemicals
 Combine reports on the intended merger and he states the following: "The
 share capital amounting to 300,000 Austrian shillings of Inilinchemia, A.
 C. was to be divided one-third each, Skeda-Wetzler, D.G and Farban. The
 gentlemen, Mr. Phillip and Mr. Pollak were to be accepted into the Administrative Council of the Anilinchemia, and thereby a constant contact was

to be assured. This would also form a group which would discuss all further questions of the development in Austria. Beyond that D.G and SWW were to andeavor the marger with inilinchemic of Farbon in order to promote sales. This in turn would serve as protection against bussig and other firms."

- (). Let me put one intermediate question: You just read a quotation from the Councide Committee Meeting and it says here, "protection against bussig." What do you mean by "Aussig."
- A. In charical circles we always meant not the individual plant located at Aussig, but the entire concern, that is, the Association for Chamical and Matallurgical Products which before the Pirst Norld War was located at Aussig in the Sudsten territory. After the war, when Czechoslovak a was formed, this was transferred to the Karlovy Very and it later established itself at Prague. The designation, "Prague association," was not a customary one. It only originated here in Numbers. This gives rive to misunderstandings again, and again when documents are presented where "Aussig's" mentioned. I just wanted to clarify this term, "Aussig," here.
- Q. Mr. Heafligur, you wore just mentioning a Commerce Committee
 Meeting of 10 Suptember 1937 where the intended marger was discussed.
 Who attended this Commerce Committee Meeting from Sustria, say, as a
 guest?
- A. It was Mr. Philipp, General Director of Dynamit Nobel, Pressberg, which exmed a number of plants in Austria, as I mentioned. Generat Schmitz introduced Mr. Philipp personally as a guest. It was not customary for a strange guest to appear at the Connerce Committee of General Director firms.
- O. How did you understand General Director Philipp to feel about these plans of this margar of Dynamit Nobel, Skode-Wetzler, and Farben?
- A. After the Chairman of the Commercial Committee, Dr. von Schnitzler, thanked him for his assistance with respect to the Aussig, that is,

the Progue Association, and I am referring to the Communes Committe Report of 19 September 1937, Mr. Philipp discussed the subject at great length and declared himself ready to participate in the realization of our plans with respect to Skoda-Wetzler and Dynamit, N.G., Sustria. All these statements were in accordance with General Director Philipp and more than that originated with him. I few months later the outcome was the so-called new order of the chemical industries in Sustria, which was quoted by the prosecution and that it was Pollak's idea who belonged to Skoda-Wetzler.

- A. Mr. Hrefliger, let me make some technical remark. Will you places pause between the question and answer. You were just mentioning a place for the new order of the chemical industries of Austria. What do you know about that?
- icel Industry, may give rise to the impression that this was a plan which was been only out of the political annexation and that, however, is an error. We are here concerned with a project which, as I said, now had been endeavored before that period even, by Skode-Wetzler, and the initiator was General Director Pollak, who justifiably foresaw a revival of this branch of industry, which otherwise would have been deemed to failure.
- C. Mr. Heafliger, you said before that a circle was to be created in order to discuss all questions concerning Austria in that connection.

 To what did these requestions refer?
- A. Those questions referred to matters pertrining to Dynamit-Austria, and Skoda-Netzler with reference to the chemical field.
- O. In I correct in understanding you that it was Farben's desire in the fall of 1937, that is to say, shortly before Justria's ennexation, to discuss those questions with the general directors of Skoda-Wetzler and Dynamit-Nobel, J.G., that is, Pollak and Philipp?
 - .. Yes, that was out intention. We had free and frank relations with

15 Merch- 1-151-17-4-Arminger (Int. Remler)

these gentlemen of all times. We know them as the experts regarding those situations.

- C. Word these two gentlemen, Pollak and Philipp, non-bryans?
- i. Yes, I said that already.
- The passage is contained there that the passage is contained there that people who are sent abroad by Farben as their representatives, have to be National Socialists. Mr. Hacfliger, how man you explain this apparent contradiction in respect to Austria. At the end of 1937 Farben wanted a peaceful collaboration with non-aryan General Directors. Isn't that a contain contradiction?
- A. That only seems to be a controllation. It only shows what the real attitude of Farbon was with reference to those matters and it furthermore proves that this passage in the Commerce Committee Minutes can only be interpreted as representing window dressing, as I have already mentioned.

- In the course of your further examination with respect to the Shods-jutalir complex, I should like to limit mysulf essentially to questions which refer to negotiations in which you personally participated. Other gentlemen will discuss this very same subject on the witness stand. Frimarily lot be jut this question to you. It what stage of the proceedings did you interfers personally and what were the tasks which you had to fulfilly
- A. alre dy before that I was occ bionally informed about such natters on a broad besis, and upon request of ir. Mober-Andreas I asked the gentlemen of Farbon about the status of the commercial negotiations, and I in turn informed them about my regotiations, but actually it was only at the end of March, 1935 , after the Anschluss that I actively participated in these negotiations. The Commercial Committee meeting of the 23rd of March 1938, that is to say ton days after the annexation led to myself and Dr. Schiller being entrusted with the mission of approaching a man named Kappler, whose acquenitance I had made, with respect to Gorman questions, in order to settle matters portaining to the regulation of the 19th of Murch, 1938. I refer you to Prosecution Exhibit 1058 in Document Book 52, English and German page 1. To needed the predesion for the carrying on of negotiations with Austria and for the eventual acquisition of Austrian firms. Without such mirroration we could not continue those negotiations which were almost ripe for sone usion. The first opportunity came in Vienna on the 2nd of April, 1938.
- O. Mr. Haefliger, already at an earlier ante did you have opportunity to meet this Mr. Keppler whom you mentioned, or other party officials, and discuss with them questions concerning Austria?
 - A. No, never.
- Q. After the meeting of the 2nd of April, 1938, did you once more meet Keppler?
 - A. No, never again.
 - Q. Did you have the authority to negotiate in Vienna with the

15 March - A-LU-18-2-Bratsel (Int. Ramlor) Credit Institute in addition to acquiring that permission which you sentioned? A. No, I was never included in these negotiations. It had been intended to have these negotiations continued, by those gentlemen who always had done it up to that point, after the necessary permission had been received. Q. Now, Mr. Mcofligor, you said that you spoke to Mr. Moppler on the 2nd of April, 1938, in order to obtain paraission for the acquisition of Skoda-"ottlor. From a Prosecution Exhibit 1071 and 1072, which I shall put to you, Document Book 52, Inglish page 90 and 96, German pages 120 and 127, it becomes apparent that already on the 29th of Wareh, 1938, you approached the General Director of the Lustrian Credit Institute, Johns A. No doubt it would have been logical and it was intended to fire receive the necessary purmission of the authorities to continue the negotiations, and only them resume again negotiations with the Credit Institute. This was to be done by the Farmen gentlemen who had proviously dealt with that matter. Them, however, I arrived in Vienna on the 28th of Morch, sainly in order to visit the Amiliachemic, our representatives in the field of chemicals, in order to acquanit myself with the effects of the political annoxation, ir. Countler Schiller told me that ir. Johan, whom I had never not before, had uttored the argent request to see as seen as possible a sumber of the Farban Vorstand, in order to make an important statement to him about his changed attitude. Shortly thereafter General Director Pollak fotched us and the three of as ment to ir. Johan in the Crodit Institute. Q. Lr. Haufliger, I am new going to put to you an excerpt from the cross examination of the Prosecution affiont Joham, of the 6th of Pebruary instant, English page 6,844. This witness has testified that this discussion which you just mentioned came about as a result of the suggestion of General Director Isador Pollak. What can you say about that? A. That is quite new to me. After what Mr. Schiller told me, it 9150

was my impression that it was Johan himself who initiated this meeting. However, in my opinion that is merely a detail. It is established at any rate that the meeting was initiated from the side of the Skeda-Motelur.

- Q. You just said that ir. Johan had expressed the desire to make a statement to a Verstand member of 7 arbon. What was this statement? What each this place with Mr. Schiller?
- friendly conversation as see how if. Johns was quite willing to negotiate on the basis of a sajerity participation of Parken. You said keep in sind that shortly before the annocation, the giving we of the majority could not have been canceded by his because there were cartain internal governmental regulations according to thich a sajerity of mustrian enterprises could not be given up to foreign enterprises, in particular Gamman enterprises. The Gredit Institute, however, was prepared to give Farban every guarantou, by way of contract, that they would not out-vote them in may antitor. This necessity, however, no longer existed at his time. The Gredit Institute could now set according to its free will. If its Johns considered biaself at the time subject to political pressure, then I can here state under my eath that in connection with his willingness to give up the majority he made not a single remark and not a single hint which would have led any one to be-
- Q. You wore just specking of the friendly spirit by which this conversation was moved. What was General Director Pollak's attitude, who was also present ?
- A. Then he came to fotch us he appeared rather oppressed by the political development, but grateful for the fact that Dr. Schiller immediately concurred himself about him after he was dismissed. I remember that I told him to be courageous and I used the opportunity to express my proise about his morits at okoda-jetsler in the presence of Mr. Joham.
- Q. I am putting to you Prosecution Exhibit 1,071, English
 page 90, German page 120. That is a letter of the 29th of March, 1938, in

5

which you and Mr. Schiller confirm the conversation you just mentioned with Mr. Johan. The Prosecution when introducing this exhibit interpreted this letter as being a dictatorial letter. That can you say about that?

A. This letter was dictated by the schoolat formal Schiller; however, I can find not a single passage from which any dictatorial attitude could be interpreted. In my opinion the whole conversation was very friendly, and very aminole.

15 March -L-LU-18-4-Bratsol (Int. Monder)

which you and Mr. Schiller confirm the conversation you just mentioned with Mr. Johan. The Prosecution when introducing this achibit interpreted this letter as being a dictatorial letter. That can you say shout that?

A. This letter was dictated by the scrowbet formal Schiller; however, I can find not a single passage from which any dictatorial attitude could be interpreted. In my opinion the whole conversation was very friendly, and very amiable.

OMRIVI CLER VI 15 Dr 48-19-1-1-EH-Bratzel (Renler)

- . What was the reason for this aminallity which you just mentioned?
- If for instance there is a thosis which was under by Johns to the effect that the procession would bring about for more favorable expectations for the enterprise. I thought that this result was rather about, but I dien't start may polanies with Mr. Johns. That becomes apparent from my file note of the 5th of april, 1938, Procedution Exhibit 1072. You can also see that from my Procedution Exhibit 107. Particularly I suggested to take this objection into account, and I suggested that if an increased prefit would come about, the Oradit Institute would have an opportunity to participate in a semmer yet to be fixed and to an extent above the normal sales value. I considered that to be a very fair suggestion.
- that in your opinion was the statement of Johan intended to mean about the favorable expectations for the future as a result of the annuation?
- ... Every export, and in particular also General Director Polick, ins quite clear in his mind that 32002-Totalor could only survive as long is it was protected by probabilitively high customs against import from Gornany. Such measures permitted the enterprise to set a seles wice tides and even three times ingles than the one provident in Germany. Any one who in may way know the situation and that, of course, We lir. Johnn, too, could calculate tint as soon as the Custons Union this dropped efter the mineration, and me had to take that into account, the enterprise would get into in entranely processions situation. Only Firem interest in it could possibly save the enterprise. That were quite clear, and hir. Foliak imon that about a decade ago, when Br. Brucking first broached the thought of a Customs Union with Gomany. Forcen's generosity was even more caphasized by its agreement to pay for the shares at a rate to be fixed by a trustop company, then Farbon would really only have and to unit for the effect of the climination of the high customs and thon, I am sure, their interest in Skoda-Totalor could have been required much charger and more advantageously to them.

- of the agreements between the concerns with regard to sales a danger and not exist for Skeda-Totaler after the customs barriers and been dropped, as it existed in the case of many other enterprises.
- A. It is true that our sales organization on the andlinehouse had certain friendly agreements which Shode-Notalor which provided the sales sattlement for a marber of products where import was still possible in spite of the customs. That applied particularly to the western part of the country because Austria receises as far as the Bedensec. These agreements, however, could be esacelled by either party on short notice and, therefore, did not afford any economic protection in case the situation changed. Lorseyer, this show also the confidence which har. Johns and in the politics of Friden and Skeda-Notelor, and confinis that there were friendly relations between them for years, but even if Forbon, on the bagis of their old friendship to Skodn-Joteler, had . Intrined these agreements, they would not have been able to protect Skedn-Jetsler against computation in the Genera Reich. The products in quastion wore neturally produced by a mumber of other independent Charlest enterprises in the Reich's territory. I in thinking were perticularly of the bordering Bayarian chardeal industry, as for instance the Sucdeherio, A.G. which mong obner trings was prodominant in the production of bleaching agents, a product mich is on import at link in the production program of Skody-Sotalor.
- Q. Mr. Shefliger, you and Mr. John know that the untire transaction depended upon the permission of the authorities?
 - A. Yos.
 - "he were these authorities who had to give permission?
- A. As far as I was concerned it was Keppler. In his capacity as official general plenipotentiary in Amstria, he was at the very Mighest level. What subordinated agencies where were, I did not know at the time. I thought that there was a great deal of confusion and everlapping. There was no clear limitation of jurisdiction. At any rate, it was not

COURT VI CASE VI 15 Har 48-19-3-A-ABH-Bratzel (Rapler) recognizable to an outsider. As I gathered from Johan's examination on page 6,623 of the transcript, English page 6,860, he then considered Metpler's activity in this respect as being illegal. He didn't tell us that at the time. On the contrary, I recall that Johan recommended to us at the and of the discussion to visit Minister Fischboock in order that we might assure ourselves as to his views on the Skoda-Letzler natter. He said that that would be advisable in the interest of both parties. I think I can also remember that hir. Johan in my presence telephoned Minister Pischbosok, or his office, in order to ask for an audience to be granted to him for that purpose for the very same afternoon. Q. If I understood you correctly, Mr. Haefliger, you intended at the time to go through the channels which were customary and which had been recommended to you in order to gain the permission? A. Yes, and during the following period this channel was rigidly adhered to. Q. That was the Austrian Limister of Commerce Pischboeck's attitude during the audience which he granted you? A. Well, I went there together with Mr. Schiller, and we were very favorably received. He released our statement that we didn't come in order to exploit the six ation, but that we came in order to carry out constructive business aegotiations in Austria. He asked us to request Hr. Johan to give him a report and he said that he was in close contact with Mr. Keppler. However, he said nothing could be decided before the 10th of April, for reasons I do not know. Q. In this connection, ir. Masfleger, let me ask you this: when you visited Fischboock, or when you visited other authorities, did you in any way try to exercise a pressure? That is, did you try to prompt these official agencies to exercise pressure on the Credit Institute? A. No, in no way at all. That has never happened. Q. I should now like to put to you Prosecution Exhibit 1,072, Document Book 52, English page 96, German page 127c. This deals with 9155

00037 VI CASE VI 15 Mar 48-19-4-A-ABH-Bratzel (Renler)

your file note on your visit which took place during the following day
to Keppler's office and there you spoke to Kr. Veesemeyer in the
absence of Mr. Keppler, and in that file note you mentioned among
other things that Austrian gentlemen for a number of years already
had been trained in Germany by the Parcen I.C. in order to incorporate
themselves into Austrian chamistry. That can you say about that?

15 Mar 48-A-AJ-20-1-Sampson-Samler Court 6 Wase 6

A. Mr. Schiller also attended that conference, We wanted to explain to the responsible agencies at the time that me wanted to train suitable people too, and we wanted skilled people to stay with Skodaotzler. In view of the Nazi opposition and animosity toward Ferben, we had from the very beginning to see to it that the impression that Farben only manted to acquire Akoda-Metaler in order to get rid of a competitor. was not acquired. That is thy Fischboock said that Farben was constructive in its intentions; that is why the argument was made to Veesemeyer immediately that we already had trained personnel which we were going to use immediately in order to accode to the official desire that austriens were not to be pushed aside from the Austrian economy, but rather were to be occupied. I mas thinking of only one person, Dr. Fongratz, an Austrian, the had been delegated to the Amilinchemic for sometime for purposes of traveling in the southeest. All acid and done, it was a diplometic incorporation, or, as Churchill once said in the House of Commons, it was a trunuclogical inexactitude. Thich I could permit myself because I know that Farten was interested in Skodn-Wetzler, not because of letting the firm rot, but in order to modernize and develop it organically.

Q. Mr. Hasfliger, before I leave this preliminary phase, if I may do so, when you were participating in the negotiations with Skoda-Wetzler, I should once more like to revert to the audience at Minister Fischboeck's. Did Mr. Johan make this request to grant the permission to him?

A. Yos, immediately after us received a letter of confirmation of 29th March, 1938, that is Prosecution Exhibit 1071, Book 52, English page 93, German page 124.

Q. I should like to put to you this letter which you just mentioned, that is the letter of Johan to Minister Fischboeck, and I must ask you whether this letter is conspicuous to you in any way.

A. Yes. Mr. Johan used certain formulations in that letter which do accurately represent what was discussed but do not take into

15 Mar 48-A-AJ-20-2-Sampson-Ramler Court & Case 6 consideration the manner in which the conversations came about and that letter could load to incorrect interpretations. . Q. . What do you have in mind, Mr. Haefligor? A. He correctly confirms that the Kreditanstalt for about one year had been carrying on negotiations with Farbon; he emits, however, to express that the first meeting had been initiated by himself immediately after the annexation or General Director Pollak. That he confirmed himself in Vienna when he was interrogated. He said that he desired that meeting in order to show his preparedences to give up the majority in view of the entirely changed situation. Further more, he gives rise to the impression as if the essignment of Schiller had come about as a result of the suggestion on the part of Ferbon. actually this request was initiated by himself. That is shown by Exhibit 1071 and 1072. I must assume that this description was made unintentionally; however, I do challongs anyons's right to interpret this formulation in a way which would lead one to believe that we were exercising pressure upon others; nothing was farther from us, and this mes never the case. Q. Mr. Haefliger, did you participate in the further negotiations which led to the final conclusion of the contract a few months later with the Kreditenstelt? A. No, I no longer participated in these negotiations. Q. Did you participate in the negoti-tions concerning the acquisition of the Austrian Dynamit Nobel A.6 at Fressburg? A. No. I personally never participated in these negotiations. Q. But how is that you were elected into the Aufsichtsrat of the Karbidsarks Doutsch Matroi7 A. That was a pure formality, for a short interim period; I was not asked about that before, and I only loarned about it leter. I only learned from looking at the documents here in "urnberg that I was elected to be the deputy chairmon. I can't remember this aufsichtsrat having mot only one single time. It disappeared after merging with the Donauchemio 9158

- e, 6 soon after its appearance; the whole thing was a pure formulity.
- Q. One more brief question, Mr. Harfliger, about the significance of Stoda-Wetzler. Don't go into details because this subject will be dealt with by other gentlemen. What was the approximately yearly turnover of Skoda-Wetzler?
- A. I estimate it to be at the most two and one-helf million marks, yearly that is the sales value at the time.
- Q. As compared to that, what was the turnover of the Sales Combine Chemicals at that time?
 - A. Approximately two hundred millions.
- Q. "and one concluding question. When at the end of March, 1938, you were in Vienna, what did you think about the morale among the populace with respect to the annoxation; be very brief!
- A. It was general acceleration; everywhere flags were hung, even in the workers' district; there were bedges and flags sold to the millions around the streets. I could talk about that at great length, but at my rate it was anything but that you might expect in a conquered country. It was absolutely my impression that the annexation of Austria was in compliance with the will of the majority of the population in Austria and complied with their wishes for ennexation expressed for many years before that.
- Q. Ir. Reofliger, I should now like to discuss with you a Prosecution exhibit that is Exhibit 1084, Document Book 53, English page 31. German page 32. You have given us a very extensive affidavit about the Skeda-Wetzler; that is dated 2nd of May, 1987. This affidavit I discussed with you a short time ago; have you anything to add or to correct in that affidavit?
- A. I think that it would be going too far and it would burden the time of the Tribunal to go into details here about the things which I want to correct. The affidavit coincides with the picture which I gained at the time to the best of my recollection about that matter.

Since on a broad basis it also coincides with the feets on they have toon in the meantime correborated by the documents, I think I can leave it at that. I must add that when drawing up this affidavit I had no Accumunts whotscover at my disposal, opent from the private diary of my sperotary from which I could ascertain a few dates. The interregator, Wr. Sudolph, at that time put to me to give him as many details as possible even if I considered them to be insignificant; consequently, I repeatedly ando poraonal considerations in this affidavit, some of which I cannot meintain after I have gained an insight into the documents. Without going into details, in the interest of saving time, these are prodominently the posseges which refer to Dr. Ilgnor's participation during the years before the annexation. I can state expressly that after having been able to refresh my money, using documents. I compet maintain the statemonts mids concerning the personal participation of Mr. Ilgner before Austria's annuxation. I one not informed who carried on the negotiations in Austria. In the manetime, however, I have been able to escertain that it one Dr. Buhl, the was in close contact with the Finence Department in Borlin. I also have written down information concorning agestictions which I lidn't personally attend, in a somewhat incorrect manner. decording to my opinion, however, all these things are irrelevant, and I don't have to go into them. I am sure all these metters will be elected up in the course of the trial by other defendants the are better informed then I am-

DR. VON METELER: Mr. President, would this be a suitable moment?
THE PRESIDENT: We will rise for recess.

(A recess was taken.)

15 War 45-A-NH-22-1-Spears (Int. von Schon) Court No. VI, Case No. VI.

(The hearing reconvened at 1515 hours.)

THE MARSHAL: The Tribunal is again in session.

PAUL HAEFLIGER- Resumed

DIRECT EXAMINATION (Continued)

BY DR. YON METZLER:

Q Mr. Haefliger, I should like to refer now to another prosecution exhibit, 1070, Book 52, English page 77, German page 92. This is a report—a summary of a report on Austria, which was intended for the Vorstand meeting, 21 October 1935. Did you read this report, and have you anything to tell us about it briefly?

A Tas. I cannot recall having received or read this extensive report at that time. On page 95 the presence in Vienna of various gentlemen, including myself and the defendant Nuglar, is reported. It is not said, however, that they attended the conferences with Reichskosmissar Buerckel, Fischboeck, Naubacher, Raffelsberger, or Kerl. Dr. Ilgnar very kindly undertook to call upon these gentlemen alone or with a very small number of others. Since the commissar netter, we wanted to have the commissers who had been appointed by surprise by the government withdrawn. This was a very touchy question. Consequently, I remained in the background and did not take part in the discussions. I believe I can recall that I and a few other gantleman, who were in Vienna, accompanied Dr. Ilgner to see Raffalsbargar for a short conference at which Dr. Ilgner's compromise solution was announced. I have mentioned this in my affidavit, Prosecution Exhibit 1084, Document Book 55, English page 42-43, Garman page 39-40. I made this report from mamory. This document also confirms my tastimony that in the negotiations with Dynamit-Nobel, Pressburg regarding taking over the Austrian plants, I was not concarned, so that I cannot go into that.

DR. VON METZLER: Your Honors, I am going to introduce now a few documents. I am offering in evidence Document Haefliger Number 39, which Your Honors will find in Book III on page 54, and which

may go in as Haafliger Exhibit 32. This is an affidavit by Guenther ichillar, formarly managar of the Austrian IG Agency. The next document I am offering in evidence is Number 40, which Your Honors will find in Book III on page 59, and which may go in as Haefligar Exhibit 33. This is an affidavit by Hans Kahrl, formerly Generalreferent for Special Tasks to the Reich Ministry of Economy and lisison officer between this Ministry and the Reich Planipotentiary for Austria, Wilhalm Kappler. I am offering maxt in swidence Haefligar Document Al, which Your Honors will find in Book III, page 61, and which may go in as Haefliger Exhibit 34. This is an affidavit by Wilhelm Repolar, formerly Raich Planipotentiary for austria. These three documents which I just offered in evidence are affidavits on the attitude of IG, adopted at the negotiations which took place after the Anschluss of Austria with regard to the acquisition of the Skode-Vetaler shares. All affiants testify that no pressure whatsnever was exerted by IO on the Casterraichische Kreditanstalt at these negotiations. The affiant, Schiller, dascribes the attitude of Faul Haefliger at his visit which he paid to Joham, the chairman of Ossterreichische Kraditanstalt, and to Mappler, the Reich Planipotentiary for Austria in March 1938. This affiant furthermore states that the remarks of Haefliger in the file note of 8 April 1938, Prosecution Exhibit 1072, pertaining to the training of Austrians in Germany for the employment in the Austrian chamical industry, merely constituted a technical, a tactical manauver, and that he, Schiller, never had any knowledge of such reserves in Austrian personnel in Germany. I am offering next in avidance Hasfliger Document Number 42, which Your Honors will find in Book III on page 63, and which may go in as Haefliger Exhibit 35. This is an affidavit of Karl von Heider, formerly titulary director in the sales combine, chemical sales combine, dealing with the afore-mentioned ramark of Heafliger in the file note introduced by the prosecution as their Exhibit 1072. Von Heider

15 Mar 48-A-MB-22-3-Spears (Int. von Schon) Court No. VI, Gasa No. VI.

testifies that he perused all the files deposited in the personnel department of the IG Control Office at Frankfurt, and was not able to find any indication justifying the remark of Heefliger in said file note that Austrians were trained in Garmany for the employment in the Austrian chemical industry.

BY DR. VON LETZLER:

Q Mr. Heaflight, this is the end of your examination in connection with Skode-Wetaler. I now proceed with Aussig-Falkensu. First of all, I should like to put to you Prosecution Exhibit 1072, which has just been discussed, Document Book 52, English page 1, German page 2. I said this is a file note of 6 April 1938 prepared by you; on English page 2 we find a record of your conversation with Kappler in which he mantions Aussig. What about this remark?

A I know that the prosecution deduces knowledge of coming events. That is not the case, however. As I have already said regarding Skoda-Watzler, I knew, and it was recorded in the note that General Director Barsch of the Prager Versin had approached Dynamit-Nobel, Pressburg with the suggestion that some shares of Aussig should be given to us through Dynamit-Nobel, Pressubrg. I considered this a good opportunity, therefore, to sound out Kappler and find out what the attitude of the German authorities would be because if the situation had arisen, we would have to obtain approved for the question of forsign exchange, if nothing also. If I wrote in the file nots that I was miming at Aussig, I meant, as I have already said, the Prager Versin, and not the Aussig Plant. There can also be seen from the fact that in my note I speak of some shares of Aussig. If Kappler said that this interest could not cost much, it was only because he was considering Prager Verein's future changes of export to the Southeastern countries unfavorable, and apparently he thought that the value of such enterprises would drop. There was nothing concrete here, and, as I have said, I merely happened to be sounding out Kappler, wanted to be informed about the Prager Verein, and I passed this request on to Barlin via Mr. Schiller, and I naver heard enything more about it.

Q Mr. Heafliger, did you have any knowledge of alleged plans of Farben before the occupation of the Sudetenland particularly regarding the acquisition of Aussig-Falkeneu, which belonged to the Proger Versin?

A There were two plants, Aussig and Falkenau. They are about 150 kilometers apart—oh, I beg your pardon, No, I know only that Farben was interested in holding some shares of the Prager Versin if stock should begone available.

Q Did you know that in September 1938 Farben allegedly reported to the Reich Ministry of Economics its interest in the Aussig Falkeneu plants and asked that one of their men be appointed a commissar for thise plants?

A No. I can't remember that at all. I learned the detolls of this only here. I did not—I am not sure when I learned
this, probably after the Munich conference, that the sales combine
dyestuffs had managed to have Mr. Eugler proposed as commisser of
trustes, but as far as I was concerned, this was purally dyestuffs
netter, and I did not waste such thought on it, and I don't remember
it. We were living in the period of high tension politically, and
according to the Runciman report, I was under the impression that
a peaceful solution would be arrived at. The Munich conference I
considered great relief and a turning point in the direction of
world peace.

Q Place describe to the Tribunal briefly when and how you became involved in the negotiations for the acquisition of the Aussig and Falkanau plants.

A Shortly efter the occupation of the Sudetenland on the basis of the Munich agreement, Dr. von Schnitzler called me while Geber, Andreas was in the United States, and called me in and said that there were rumors current in Berlin according to which the chemical factory Von Hayden, wanted to acquire the Aussig and Falkanau plants. Since I knew the connection of the Von Hayden factory with Mr. Struthberg very well, Dr. von Schnitzler asked me to find out whether this was true. I established telephone contact with Hayden and it turned out Hayden actually was interested in this

project because Hayden had wital interests at stake, thereupon, on the suggestion of Hayden on the 15th of October 1938, there was a conference in the Hotal Adlon between the representatives of Farben and Hayden.

Q Excuse me, if I interrupt you, just for the Tribunal, where is the Hotel Adlan?

- A In Barlin.
- Q Thank you.

A During the discussion agreement was reached to the effect that acquisition of Aussig-Falkenau plants, Farban and Haydan would deal over these plants on a 50-50 basis and the dye sector would be laft to Farban.

Q Now, before these negotiations you have just described between Hayden and Ferben, had there been any contact before that with freger Versin regarding turning over the sussig-Falkensu plants?

A No, not as far as I know by Farban. I was always under the vary definite impression at the time that Mayden had already established contact with Proger-Verein or that Proger-Verein had already indicated that it was willing to give up its plants in the Sudetenland. That was my impression.

Varsin have any reasons or any necessities to sell the Aussig
Falkeneu plants?

A The cassion of the Sudatenland, of course, brought a very changed situation for the Prager Versin. Two of its plants were in Garman Reich territory now. The consequence was that these plants would have to be incorporated into the existing German economic system, also these plants would be included in the German tariff area, with antirely different market situations, and because of the local sales prices in comparison with the projected Czech market, the profit would be less. Also one must not overlook the fact that the amployees were predominantly German. The owners of

Frager Versin, of course, knew all this, and the issue for them was that they should get rid of these plants in the most advantageous way possible.

Q Now, the prosecution has repeatedly referred to the alleged haste with which the whole negotiations were carried out. What about that?

A after all, it is obvious that at such a moment one has to act quickly, it is as plain as pikestaff that there are other people interested, too, prospective purchasers, and everyone does what he thinks proper at the moment. And that is correct in the case of Hayden who had apparently taken staps in the matter much serlier. Hasts was necessary because we and von Hayden knew that there would be quite a number of other parties trying to acquire the factories at Pragar-Versin, therefore, we had to act quickly. From this, too, I concluded that the fragar-Versin was quite at liberty to negotiate with whoever it thought most suitable, that it wanted to sell its plants on principle was beyond any doubt as for as I was concerned for the reasons given.

Q When did the first negotiations with Prager-Verein take place which you attended, Mr. Haefliger?

A On the 7th of November 1936. At this meeting we agreed on the sales price and the bosic directives. The negotiations took place, I recall that very well, in the meeting room of the Dresdner Bank in Berlin.

Q Wars there any further negotiations?

A Yes. There followed the final negotiations from the 5th to 7th December. Also in Berlin. In our building in the Unter Den Linden. In the maintime the very numerous contracts had been worked out by the lawyers on both sides. On the 7th of December the contracts were signed, and letters of friendship were exchanged. The representative of the Prager-Versin, General Director Dvortaczek has confirmed on the witness stand that it was very important, and rightly so.

15 March-A-FL-24-1-Stewart (Int. won Schon)
Court No. VI, Case VI

- O.- Will you please briefly describe to the Tribusal how the negotistions were regarding the purchase price?
- ... I can only speak very briefly on that. I believe the Frager Verein started at a sum of, I believe, about 400,000,000 Cacch crowns. I believe that was an experimental balloom. They went down to 380,000,000 crowns very quickly. The Carmons suggested 250,000,000 crowns.
- O.- Do you remember, Mr. Haefliger, what considerations this German sounter suggestion of 250,000,000 crowns was based on?
- A.- Yes, Dr. von Schnitzler in the private preliminary discussion with Heiden mentioned as a suitable purchase price, according to experience, the cannal turnever. This annual turnever in the Lussig and Palkenau plants as we estimated from our knowledge of production, conventions, etc. and Struthberg's information since he had been director at Lussig and Palkenau for many years before he worked for Heiden, we estimated this turnever at about 250,000,000 crowns. I reachl dr. Von Schnitzler's formula because of its simplicity.
- Q.- I'r. Haefliger, to repeat, you have just used a rather long sentence, the German counter suggestion was equal to the annual turnover of the plants?

her You

- W.- And that was, in your opinion, a customary formula for culculating the purchase price?
- A.- No, it was not the customary formula, It was a simple formula which Dr. von Schnitzler mentioned from experience with such negotiations. It was just a counter suggestion, and I will tell you later on that on closer investigation, it was discovered that this estimate was quite correct.
- Q.- I just mean to ask you whether that was an arbitrary figure or whether that was a figure based on experience and certain considerations?

15 North-N-FL-24-2-Stewart (Int. von Schon)
Court No. VI, Case VI

in- Subsequently, it was carefully investigated, and so that it was not just mentioning a figure arbitrarily. There was, of course, a foundation for it.

Q .- That was the figure which the various parties finally agreed on?

1 .- 280,000,000 Csech crowns.

Q .- In your opinion, as far as you could judge, was this sum an ado-

i.- Yes, the sum second to be quite adequate, especially considering that the plants, as I have already said, would now came into a market with a much lower purchase price, a much lower sales price, then in Czechoslowakia, which had protective beriffs.

O.- Did the Germans make any further concessions in favor of the Caucha?

A.- Tos, they did. The Gorman partners turned over various facilities belonging to the Aussig and Falkeness plants to the Preger Verein, that is the machinery. Also, there was an agreement on payment which was to be enid to the Prager Verein under the Titanium "Inite convention. "Iso, there was an important concession that in spite of the instability of the Greek grown, the amount of 280,000,000 crowns had to yield at least 24,000,000 marks. The risk of the rate of exchange was on the Gormans. It was also agreed that a fairly large share of the purchase price, I believe about 100,000,000 Greek growns, would be paid in kind, commedities, at cost price to the Prager Verein to put the enterprise in a position to keep its Creek customers until new plants could be built.

O.- Mere any restrictions imposed on the Frager Verein by the sales contract regarding further development in Czechoslovakia?

No.

O.- Mr. Hacfliger, excuse me for interruption you. Would you please make a pause? You don't have to speak so fast, we have plenty of time.

15 March-1-FI-24-3-Stewart (Int. von Schon)
Court No. VI, Case VI

1.- No, on the contrary, from the very beginning, it was considered important that the Prayer Verein should keep complete freedom to be able to expand at will. Dr. von Schnitzler said expressly that this should be true of the manufacture of primary products, too, that is, the Prayer Verein was at liberty to open now dyestuff plants in Czechoslovakia.

In addition, it was even proposed that the expension of the Prager Varein should, as far as possible, be facilitated by technical assistance if required, and that was the purpose of the friendship pact, which was an integral part of the contract which was exchanged when the contract was signed in Berlin.

- 0.- The only other reason given in the negotiations for lowering the Cauch demand from 380,000,000 erooms by the German side?
- A.- I buliove I recall that the lawyers said that the Aussig and Falkunzu plants had cortain liabilities which had to be taken ever, and that there were various legal disputes pending which might lead to further financial liabilities on the parts which also had to be taken ever when the plants were purchased.
- N.- Then, if I understand you correctly, Mr. Hnefliger, you mean to say that the concessions made by the Germans to the Czechs were justification for lowering the purchase price from 380,000,000 to 280,000,000 Czech crowns?
- A.- Yes, the purchase price of 380,000,000, that was the suggestion of the Preger Versin. In commercial negotiations, there is always trading, that is so in the minde world. That doesn't mean by any means that these 330,000,000's would have been the proper price. I consider that this fixing of 280,000,000 with all the complete details and the concessions, was a quite fair solution of the problem.
- Q.- Did the representatives of the Preger Verein in the negotiations ever indicate that they had previously been in touch with Ruetgers about the sale of Aussig and Palkernu plants?

15 March-A-FL-24-4-Stowart (Int. von Schon)
Gourt No. VI, Case VI

such provious negotiations with other firms.

O.- Now, outwordly were all those regetintions in a fair spirit, or were there violent disputes, scances, which might be interpreted as exertion of pressure on the Czech partners?

tintions constantly throughout the world in private business and such matters. Only at the meeting on the 6th of December, 1933, on the day before the contract was signed, when the main prints had long been agreed upon and there were a few minor points to be settled, at the end of the 14 hour meeting, there was a dispute between General Director Baseh and Dr. von Schnitzler, about a minor point, but I don't remember what that was, and thereupon the meeting was closed, I believe it was already after midnight. Aside from this incident, which was due to exhaustion, the negotiations were carried out in quite correct and objective tone, and on the next norming, when we were able to go to work refreshed, not a word was said about this midnight querrel.

O.- Mr. Heafliger, I want to come back to the purchase price of 280,000,000 Casch crowns. Do you perhaps recall whether this sum which you finally agreed on was suggested by the Proger Verein at the end or was this suggestion made by Parbon?

A.- I cannot renumber that. There were some intermediate stages. We wont to 310, and then the titanium white plant was discussed and all kinds of questions were considered. I don't know how we came to agree on 280.

Fi.- Now, Mr. Hoofliger, did you have the impression during all these negotiations that Forben exerted any pressure on the Csechs?

A.- No, I did not have this impression.

15 March-A-FL-25-1-Masdorff (Int. won Schon)

7.- Do you perhaps know whother the German authorities in any form, noting on or without Farbon's suggestion, exerted any pressure on the Pregar Verein in order to have the Aussig and Falkannu plants turned over to Farbon?

A.- No. I did not know emything of that and I cannot remember the representatives of the Frager Verein during the negativities having made any such remark or hint even. I den't believe that the German authorities intervened in any way. I have no knowledge of such a thing.

O.- But, Mr. Haefliger, you did say that the Prager Verein, after the Sudetenland was coded, realised the necessity of selling realised a cortain necessity, let us say, of selling the Jussig and Palkeneu plants. Was that not a cortain compulsion under which the Prager Verein was negoticting in this case?

A.- One has to state most emphatically that in international business it is a well known fact that if an enterprise is obliged to give up a working plant it is generally because of political circumstances or because of the secure situation and this usually constitutes some pressure.

A .- Can you not give an example of this grow your own activity with Ferbon -- for such compulsion in which you were, of course, again in international business dealings?

ition. It was a question of the Farben's option participation in the American Magnesium Corporation in the United States, in the fall of 1937. It might have been the middle of the year. At that time, Farben was obliged to give up this very premising helding, since, on one hand, the anti-German attitude which provailed in the United States at this period was affecting the enterprise adversely. For example, by all the withholding of Gevernment orders and also because of lack of foreign exchange, it was impossible to carry out capital measures which in the future might become necessary for the welfare of the enterprise, and in the minutes of the Chemical Comp

15 March-A-FL-25-2-Hasdorff (Int. von Schon)

wittee of the 25th of May 1937 there is the following remark: "Magnesium U.S.A. If we were to exercise this option, the campany would have great difficulties in securing Government orders which are of vital interest to the business." I should like to remark that this option of 50 percent participation in the Magnesium Corporation had — could have been obtained at a very small price; only a few thousand dollars; but, as I say, this we could — we could nore or less consider this option as participation. I mean to say that in the sale of enterprises, especially large intermational transactions, there is a certain compulsion on one side for which the other side cannot be held responsible. Thus I see and sow the position in the Aussig-Palkenau case.

O.- You meen to say, Mr. Meefliger, timt there is a certain compulsion under which the Prager firm was suffering because of the Humich agreement of 30 September 1930, but that Parben cannot be held responsible for it?

A .- Yes, that is what I mean to say,

O.- Now tell me that the connections were between Forben and the Profer Verein after the scale of the Aussig-Falkensu plants. Here relations impaired because of the purchase of those plants?

A.- No, not at all. As far as I could judge, we had a friendship agreement, too, which the Frager side and we too considered very important.

And we observed it.

A.- Tell me, because of this transaction -- that is, the giving up of the Aussig and Falkenau plants -- was the Prager Verein financially weakened?

A.- I am convinced that it was not. By the payment of the purchase price by Farben the Prager Verein had become to a great degree Liquid, and I amphasize once again that a large portion of the purchase price was paid in the form of goods. The best proof of this is the fact that at some time later, as far as I recall, it participated to 40 percent in the company for building a rayon factory together with the Dynamit Nobel Pressburg,

15 March-A-FI-25-3-Hasdorff (Int. von Schon)
Court No. VI, Case VI

and, according to the Friendship Pact, Farben had invited this participation. This rayon factory at Pressburg proved to be an excellent investment for Farben, for Dynamit-Nobel and for the Prager Verein. That was quite a profitable enterprise.

Q.- You mean to conclude from the Prager Verein's participation in this rayon project that, after selling the Aussig and Falkenau plants, the Prager firm was enjoying prosperity?

A.- Yes, and I believe the stock was never so high as after this transaction. The Prager Verein stock, I mean.

Q.- Mr. Haefliger, to conclude the Aussig and Falkensu chapter, I should like to put to you Prosecution Exhibit 1906, which was offered in evidence in the session of 20 February by the Prosecution. I believe it was offered only for identification. This is the record of a discussion with the Chemical Factory Heyden at which representatives of Farben were present, and you are mentioned too, and also a representative of the company for nitrogen fortilizer.

In this record it is said that the Czech authorities, upon inquiry of the Nitrogen Syndicate, are supposed to have said that Czechoslovakia was endeavoring to make itself independent in calcium, nitrogen production and it is also said in this document that it was the endeavor of the German nitrogen authorities to prevent this endeavor and that instructions were issued to Dr. Bachmann to take the necessary stops with the Economic Group.

I should like to put this Exhibit to you and ask you to comment briefly on it.

A.- I am afraid that will be very confusing. After the meeting of the 30th of October 1938 — that is the meeting between Farben and the von Heyden Chemical Firm, at which equal collaboration between these two firms was agreed upon — there were a number of internal discussions between the two partners. In order to get a picture of the value of the Aussig and Falkenau plants under the changed circumstances, in order to be prepared

15 Harch-1-FI-25-4-Hasdorff (Int. von Schon)
Court No. VI, Case VI

for the coming negotiations with the Pragor Versin, the elegant formula of Dr. von Schmitzler could not just be accepted; it had to be investiga icd. We had to see whether it was really applied in this case. We have to be thorough. And mure, ten, it was necessary to consult numerous experts the tore informed though the prospects of those two plants for their products. This included in Schneider -- not this Schneider, but the Prokurist and the head of the Chemical Sub-Bepartment. Fr. Struthburg, as commercial director of the von Heyden factory, also attended these meetings. First of all, as I said, he had for many years been a director in the Prafor Verein at Aussig, and secondly because he rightly wanted to find out if he was to participate on a 50-50 basis with Ferben, what opinions were held about future operations or what obligations there might exist on Parben's pert, which would not be in his interest. One had to be quite frank with one's partner, of course. Dr. von Schnitzler, who had called these mostings, asked Dr. Bachmann of the I.G. for the mitrogen Fortilizor to come to Frankfurt to report to us and Mr. Struthborg what the situation was for a mitrogen of lime at Falkencu, in his opinion. We know nothing about this field in Frankfurt. Backmenn who was in charge of the calcium syndicate, which, I believe, is a sub-division of the Mitrogen Syndiente. He alone could tell us this, and he was to inform us and to inform us about policy of the Mitrogen Syndicate regarding the branch of which he was in charge.

15 Mar. Lü-A-GU-26-1-Perrin-(Von Schoen)-Court 6 cass 6

From this document I see that Backmann gave the necessary information. I don't remember when I was present. There were five of six prokurists and directors who spoke on the various products, and include a remember the details. This document shows that Mr. Backmann explained and told us that the nitrogen lime industry wanted to prevent production in Executed to be a remember that was the nitrogen policy which probably arose in this case because there was the great a capacity in nitrogen of lime. I don't know. Since the von beyong Chemical Factory was in charge of chemicals and had the decisive word regarding the sale of nitrogen of lime produced at Falkensu, it was agreed that the new company was to sell Falkensu production through the syndicate. This would best serve all interests.

The Frager Ver in was not placed under any contactual restrictions in producing the nitrogen of lime in its own field, but it could not expect to be supported by the nitrogen syndicute. This decision was with the syndicute, it was not a matter for 'eyden to decide.

acquisition of the massig Falkence plants. I should merely like to ask in conclusion, Mr. Haefliger, whether in this entire transaction at any time you were aware that Czech property was being stolen?

A I must dony that emphatically. I was convinced that the Frager Verein because of political developments could no longer hold the aussig Falkenew plants, but that in the sale of these plants it received a purchase price and other important concessions which were very proper renumeration and suffered no financial loss.

I now go over to Count II, the subject of Poland. In the trial brief of the Prosecution on Count II, on page 19, it is sayd in connection with Poland, and I quote: Whe have shown that the Defendants von Schmitzler and Haefliger and other I.G. Farben men as early as 7 and little of September approached the Reich Ministry of Economics."

15 Ear.Ld-A-HJ-26-2-Perrin-Court 6 case 6

hr. Fnefliger, I ask you whether you had anything to do with negotistions assecting the Poland dyestuffs factories in Boruta, Woln and Tinnica?

a lie, there was no question of any participation there. These were purely dysstuffs factories. They were completely outside of my field of work. The message of Dr. von Schmitgler to Dr. Kuehner on 7 September 1935, Prosecution Exhibit 1138, Document Book 55, English page 5%, berman page 85, and the letter to the Moich ministry of Economics of 14 September 1939, Prosecution Dehibit 1139, Document Book 55, English page 56, German page 87, I was not familiar with. The letter was not as the Prosecution contends signed by me, but by Dr. von Schnitcler and Dr. Auchner. It is true that on the occasion of a visit which I sade together with my associate, Dr. Prentzel to Agrierungsrat Roffmann in the Rai, I had business with hr. Hoffmann rather frequently in connection with the import of sulphur for the rayon industry. On this occasion we discussed the question of the folish dyu-stuffs factories. It was brought up by Hoffmann. In this matter I meted only as as letter carrior, if I may say so, to provent a discussion with Dr. you Schnitzler and the Hwa, and Dr. von Schnitzler gave the information which Mr. Horfmann desired.

After the discussion with Regierum, srat Hoffmann, I informed br.
von Schnitlzer that there should be an interview with him as soon as
possible in the 30%.

If I understood you correctly, in Realliger, on the occasion of a visit to Regierungsrat Hoffmann in the Meich Ministry of Economics, the questions of the relish dye-stuffs factories, the appointment of trustees was brought up, and you undertook to arrange an interview with ar. you Schnitzler on this question?

A Yes, br. Hof/mann said because of the situation it was necessary to appoint a trustee, and he should like to talk to the men responsible for such things in Farben, and I undertook to deliver the message. 15 Mer. 48-A-7-J-26-3-Perrin-Court 6 case 6

- Q "r. Rasfliger, in the subsequent negotiations in the RML or with other German authorities in Germany or in occupied Poland, did you ever participate?
 - A fo, I did not, never.
- Q Did you know the report about the most important firms in Feland, which is Exhibit 1135, -36, and -37 of the Prosecution, Document Book 55, English page 50, German page 82?
 - A Mo, I aid not receive this report.
- Are you informed about the other details of Farben's transactions in Poland? Perhaps I may put it like this. Were you subsequently informed about the contents of the Parben transactions in Poland regarding these dyn-stuffs factories?
- A I can recall that in a Tea monting, a report was made by Dr.

 von Schnitzer that in the interest of upholding the suffering ayoatulfs operations, a trustee company was to be formed, and I believe
 I recall that Dr. von Schnitzer at a Verstand meeting reported on
 the leasing of the Borute plant. As for acquisition or the intention
 of acquiring it, I never heard anything. And as far as I recall, no
 report was made about this in the Verstand. The Polish dye-stuffs factories were something completely outside my field.
- whit about the Chemicals Sparts, what did it have to say about the acquisition of Polish chemical plantsin your province?
 - A The Chama had no interest at all.
- In connection with this, I should like to put to you Prosecution Exhibit 1956. I'd like to put this Exhibit to you, Mr. Haerliger
 Till you please look at it. It is a note on the business of a telephone
 conversation between you and Dr. Buergin. Cortain statements are made
 therein about a chemical enterprise in Feland, in the acquisition of
 which Farbon might be interested. What do you have to say to that?
 The state enterprise over acquired?

15 Mar. 46-4-3J-26-4-Perrin-Court o caso 6

a bo, I can explain this matter only like this. Dr. Bucrain called me up from frankfurt and s id to me - probably because we often and to talk to sich other in other things - and said to me, "I have an assignment from a government agency to co to Poland." Now, I asside that he called ma up in order to sak so whether we had any additional information which would help him in carrying out this mission. I got in much with Dr. Huenecke, on employee of the management department his initials are on here -- and Usskow him to see what he could find for Dr. Busnein ther night be of hilp to him, to see what he had in his files and thursupen or. duergin received the desired information that is, whatever information was available, and when this information was turned over to Dr. Buergin, reference was made to the telpchon: conversation with me and a numerandum of the incident was sent to me, purely for my information, purely information given to Lar. Buergin who was sent on a government mission to F land, and who, of course, mantad to have as much date or possible about the field which he probably knew nothing about. That is quite natural , but we never and any interest in those firms which were mentioned. We never bought enything. We had no intention of buying anything.

4 Thonk you.

Q I am offering now in evidence Maefliger Document Number All which your Monors will find in Book 3 on page 67 and which may go in as Maefliger Exhibit 36. It is an affidavit by Dr. Alfred Moffmann who formerly was a referent in the department Chemistry of the Raich Ministry of Economy. The affiant testifies that he cannot remember that Maefliger participated in the negotiations relating to the appointment of trustees for the Polinh dye-works Boruta, Winnica and Wola, who were appointed by his department after negotiations with representatives of I.G. The witness states that the participation of Maefliger in these negotiations appears improbable, since the affairs with which the dye department of I.G. was concerned did not come within Maefliger's sphere of tasks. I therewith conclude your examination on the Poland question and now come to Morsk-Mydro. Here there, between Farben and Morsk-Mydro, may connections before 1933?

A Yes, the general director Aubert of Morsk-Hydro was in Farben's Aufsichtsrat. Between the two enterprises there had been friendly relations for years in the nitrojen field.

- Refore 1933 did Farbon have any holdings in Norsk-hydro?
 - A Yea.
 - Q To what extent?
- A I do not know exactly. I believe twenty to twenty-four per-
 - Q Did you belong to the Aufsichteret of Horsk-Hydro?
 - A M o, never.
- Q On any earlier occasion was the establishment of a magnesium plant in Norway discussed?
- A Yes, long before 1938 the Horwegians had suggested the construction of a magnesium plant. Then I say Horwegians I mean Horsk-Hydro.

 Farben, however, rejected the suggestion because in view of the existing licence agreements, particularly with England and France, the Horwegian market was to small or rather it was non-existent to make the construction of a Horwegian magnesium plant profitable and exports seemed impossible.

Q The prosecution charges that Farben, together with German government agencies, planned the sediation and exploitation of Morregian industry, particularly Morsk-Mydro. In this connection let me ask you first of all about the aluminum program of the then Reich Planipotentiary, Dr. Koppenberg, which has discussed repeatedly before this tributal. Did Farben have anything to do with this aluminum project in any way, or did Farben suggest this project?

A No, in the summer of 1900 after the occupation of Morway, Dr. Koppenberg was given extraordinary powers by Goering to set up aluminum facilities in Morway. At this time Ferben had nothing to do with planning this project. What we learned about it at the time was rather funtastic. In 1900, as I learned only later, Koppenberg approached, among others, Morsh-Mydro, without informing Parben.

Q What did Horsk-Hydro do?

I obtained my knowledge for enswering this question only here from the files and from conversations with the other Farbon gentlemen. Since it was only later, at the beginning of 1941, when magnesium production had already in principle been decided upon together with Horsk-Hydro, that I was called upon for the contractual negotiations. Morsk-Hydro did not want collaboration with the Reich or with any company controlled by the Reich. In order to evade such collaboration, General. Director Aubert, remembering the old friendly relations with Farben, in the fall of 1940, personally went to see Professor Kreuch, and suggested that the old plan to set up a magnesium plant together with Farben might be responed.

Q What was the reaction of Farben to this suggestion made by Mr. Aubert in the fall of 1940?

A In the late spring of 1940 the German government had given Furben a production assignment of, I believe, about ten thousand tons per year of magnesium. Originally it had been planned that the new plant was to be build at Gersthofen in Bavaria. The project failed,

For this reason Farben took up Morsk-Hydro's suggestion in the fall of 1500 in order, in this we y, to be able to fill the definite order, and found an open door.

- Q In what spirit were these negotiations carried out with Norsk-Myiro, Mr. Haefliger.
 - A In a very fair and friendly spirit. We were friendly.
 - Q Did Farben exert any pressure on Norsk-Hydro in any form?
 - A Mo, as I have already said, no, not at all.
 - Q Now, how for did these negotiations go?
- A The negotiations were notally concluded. A new company was to be formed. The original nose was to be Nordisk-Electron Notall. Ferban was to hold fifty-one percent and Norsk-Nydro forty-nine percent.
- Q Now, on what points did you personally assist in working out these contracts?

A Purely commercial mottors — fixing the licence focs for the farbon processes and patents — licence fees for the necessary auxiliary operations — for example chlorino alimin electrolsis — regulating the conditions of the sale for magnesium metal after the plant wont into operation — operating the plant if the market should fall off. Farbon guaranteed, in principle, that the new plant in Horway was to have the same degree of employment as the Gorman Forben plants. If there were to be a slump it would be in no way more worse off than in Farbon's own plants. I may remark that the licence fees were, of course, fixed with the assistance of the technical man. I was accompanied by Director Moschel and Dr. Buargin asked me to handle the matter for him too because he had no time to go there.

Q Mr. Haefliger, one final question before we adjourn. Did you handle the financing question which came up in the course of these negotications?

A No, I was not in charge of that.

15 Har 48-A-FjC-27-4-Mills (von Schon) Court VI Case VI

DP. VON METRIER: Would this be a suitable moment for the recess, Mr. President?

THE PRESIDENT: The Tribunal will now be in racess until mine alclock tomorrow morning.

(The Tribunal recessed until 0900 hours, 16 March 1948.)

Official transcript of Military Tribural VI in the matter of the United States of America against Carl Mrauch, et al, defendants, sitting at Murnberg, Germany on 16 March 1948, Judge Curtis G. Shake presiding.

The Hamble: The Honorable, the Judges of Hilitary Tribunal VI.
Hilitary Tribunal VI is now in session. God save the United States of
Justica and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDE T: You may report, Mr. Marshal.

The analogue May it please Your Monors, the defendants are all present in the Court Room with the exception of the defendants Duerrfeld and Jachne who are excused by the Tribunal.

The PRESIDENT: Are thore are preliminary announcements from counsel for the defendants?

(Hono indicated.)

enything from the prosecution this morning? (Nothing indicated.)

Dr. von Netzler, you may continue.

PAUL MARYLIGER - Resumed DIMEST EXA INACTION - Continued.

BY DR. WUN METALER:

Q. Mr. Haefliger, yesterday afternoon we were speaking about the negotiations with Norsk Hydro which lod to several contracts for the foundation of a special company, Nordisk Electromeetall, owned 51% by Farben and 49% by Norsk Hydro. At the end I asked you whother you had anything to do with financing this new project and you said "No". Now, were these contracts which we were dealing with yesterday afternoon ever signed?

A. No. The significant to an postponed At the last minute, to the surprise of both Norsk hours and Paroen, Dr. Moppenberg appeared in Oslo and interfered in the negotiations, demanding that the Roich should also have an interest in this coupan, and Hordick Lettmotell - that is, the new firm which was being founded, should also have an aluminum production of 12,000 tons per year. He also demanded that an aluminum project of about

20,000 tons a year be included. As I learned at this time, Norsh Hydro and Koppenberg had already been negotiating directly about this. Exprendent also demanded that a plant be established for the production of about 3,000 tons per year of cryplete. This is something needed in the production of alwaims.

- Q. That did you do, Dr. Enefligor, whon Koppenberg made these demands?
- A. I did not comment on it at Oslo. I said that I would have to report at home. Soon thereafter, at the Vorstand meeting of the 5th of February 1941, I and the technical director, Dr. Hoschel, who had also been present at those negotiations, reported about the pressure exerted by Koppenberg. I refer to Prescoution Exhibit 1193, Document Book 65, English page 43, Garman page 87. Thereupon there was a meeting in the Reich Ministry of Aviation since I had received instructions in the Verstand to continue to negotiate on this matter.
- Q. Lot me interrupt you, Mr. Haefliger. Was this the mooting in the Reich Ministry of Aviation shown in Exhibit 587 of the Prosecution, Book 65, English page 45, German page 93, which I now put to you?
 - A. You, that's the same meeting.
 - Q. Thank you.

Now, please describe to the Tribunal briefly the course of these negotiations in the Aviation Limistry.

- A. The Reich demanded a rather large participation in the Hordisk Lettmetall and tried to reduce Horsk Hydro's participation as much as possible. I recall that the representatives of the Reich, especially Dr. Koppenborg, were rather demanding at these negotiations.
- . Mr. Haefliger, was Farben able to oppose the Reich's wish for participation?
- A. In view of the conditions at the time that was quite impossible and could doubtless have led to strict measures not only against the gentlemen concerned but it would have had serious affects on the light metal field of Farben and would, of course, have had affect on Norsk Hydro itself.

- 1. That was Farbon's line in those negotiations which followed the dumines made by the Roich for participation in the newly to be founded empany?
- A. Farbon tried to save as much as possible of the proposed contract the Norsk Hydro and tried to restrict the Reich's influence in Northisk Lettactal as much as possible.
 - That participation did Farbon suggest for the Reich at first?
 - A. As for as I rocall, we began with an offer of 20%.
 - Q. And how did the Boich react to this proposal?
- A. This proposal was rojected. It was said that they were not udlling oven to discuss it.
- Q. Did you personally advocate an important participation of Norsk Eydro in Nordisk Lettertall during those negotiations?
- A. Yes. During these negotiations in the Reich Ministry of Aviation I said that Norsk Hydro would make available important land at its plant at Horosom for the new plant and for this reason it should be compensated by being given a considerable participation in the new company. I also stood up for the interests of our aluminum partner, Metallgosellschaft. I was always a defender of the right of private industry.
- Q. Lr. Haefliger, you said that Farbon suggested to the Reich to take a share of 20% in Nordisk Lottmetall. What share did the Reich demand?
 - A. The Reich, first of all, desended 51%, but we refused.
- Q. On that basis was an agreement finally reached on the Reich's share?
- A. The final agreement was that Ferben, Norsk Hydro, and the Roich

- . . Heaflight, were you able to arrange that worsk fruits, which and rescived a somewhat smaller share than originally intended in a drift of the contract with Furben, should receive some other on pages bion?
- A. Yes. I made it an express condition that as a compensation for the smaller share loved Hydro should be given an interest in some cities nitrogen factors to be built in Servey. I considered these negotic terms a good or crounity to get this compensation spontaneously by way of precontion. There was no such project up for discussion, but it was a valuable provise for future developments which we were able to contain in this way.
- 7. Fir. Haefliger, did you also to to see to it that the Meich was to return its interest to private hands under certain conditions?
- A. Yes. It the proposed or mentioned that the Leich , as soon as Germany's supply the secure, later in peace time, should return the hold-in s of the avistion limitary to privite hands. I considered this a possible but have less platonic statement, but at least it was valuable for future developments. Such things have to be set down in contracts concretely, but, at any rate, it was a prospect which was favorable.
- which Your bonors will find in Sock 3 on page 65 and which may no in as Alefiger Exhibit 37. This is a circular dated 5 May 1941, signed by the defendant, and addressed to the numbers of the Chemikalian-unschuss on the negotiations regarding the fours tion of the Nordisk Lettertull. Haefliger refers to the conference on this subject with the representatives of the Reich, Cejka and Koppenburg, and states the following. I muste:

"We succeeded, in particular, in having the foundation in Norway effected within the existing Norwegian laws. The application of Force has thereby been eliminated and we have insured the voluntary cooperation of the Norwegian group. This was also expressed by the General director aubert at a small dejenner on the occasion of the foundation, at which the

16 March 48-1-51-2-2-Loon rd (von Schoen) Mourt &, Guse 6. Enichatourdsstrict was also represented. Dr. Moppenberg, also spoke on this occ sion and found words which gave all of us a rether plant no surprise." E. He fligor, that was the attitude of Horsk Hydro to t is now survistion for participation in Wordisk Lottmetall? A. Forsk Endro replied that in view of the situation this suggestion was the bast that F rben was blo to comieve in their interest too end grand without further ado. They where and were confident that Serban had mide the best possible arrangement for them too. . Mon Mordiale Lettactell v s founded, were Mormegi n 1 ws ob-Berveds A. Yos, very carefully. Both when the contracts were worked out and whom the members of the Vorstand and aufsichterst were appointed. . no orked out the controbe, r. K. ofliger? ... Eur lewyers, Layer-agelia and Fersten. They also worked tith the Porthogian Lewyers of Morsk Hydro. C. Was the majority in the Vorstend Norwegions? A. Yes, according to Norwagian less. . And who was the chairs m of the .efsichterat? .. The General Director of Jorsk Hydre, Mr. Aubert. . Mid not Dr. Koppenberg claim this position? A. You, that was a big difficulty, but Ferben succeeded in dissunding him. Finally, a way out had to be found. a special constitute had to be erected and he was made the chair an of this committee. It was provided, however, that the cathority of the Aufsichterst would hardly be effected thereby. I must add that the authority of an Auf. sichtaret in Morway is even loss than in Germany. The Studene or Vorstand has the absolute authority there. . Did Dr. Koppenberg, as chairman of this committee, a ve anything to do? A. No, it was more a question of prestige. One had to agree for 9188

formal reasons. I believe there was only one short meeting of this committee. It lested perhaps a quarter of an hour. Mething was decided.

One year 1 ter, or it might have been eighteen months, approximately,
Koppenberg was recalled. Then this committee disappeared.

- Topocoberg had originally set up?
- he Roppenberg had already formed a special company for that purpose by the name of Nordag. Later, it was changed to Hansa Leichtsmotall A.G. It was standed 100% by the heigh. This company carried out hoppenberg's plan.
 - . That quantities of production were proposed in this plan?
- A. As for as I can recell, this is what I heard, 2000,000 to 250, 000 tons per year were finally planned. I believe everyone agreed that it was impossible such a plan because about 800,000 kilomaths of power and to be built. I believe that is about three times the especity of that I was speaking about yesterdhy. That took years to build,
- 1. Now big was the aluminus factory imposed on the Mordisk Lettmetall by Koppenberg?
- A. 12,000 tons per year. Leter, 12,000 more were descaded, but this was dropped again.
- Lettmetall, was the capital of Norsk Mydro increased?
 - A. Yes, this necessity later become apparent in Norsk Hydro.
- n. In this connection the prosecution claims that the French shereholders of Worsk Kydro suffered. What do you have to say bout that?
- A. I had nothing to do with financing Norsk Hydro. I wasnot computent for this and did not belong to the Aufsichtsrat. Therefore, I never participated in the negotiations with French banks. Besides, Dr. Ilgner will be able to go into this point in detail.

- Q Your collaboration in this Norway project was then limited to the negotiations preceding the founding of Nordisk Lettmetall?
- A. Yes, assentially. While the contract was running there were repeated discussions which required my assistance in commercial matters. For example, the cryolite plane
- I Mr. Haefliger, did you have anything also to discuss in this question in connection with the production of heavy water? I refer to 102 of the prosecution. In the electro-mechanical plant of Marsk-Hydro in Few did you have anything to do with that?
- A I had nothing to do with such questions and I know nothing about them. I heard later, it is true, that there was a laboratory or similar plant which had been destroyed by an air raid, but what this was, I was not told.
- Q I now put to you a few exhibits of the prosecution.

 First of all 1191, Document Book 65, Paglish page 1, Garman page 1.

 This is the draft of Farben's suggestions for pages planning in Morway. Here you enything to say about that?
- Order. I have already said that I never rend this accdemic work thoroughly. I can not remember this Norway work either. At least I never read it. I have not even read it now. I am sure it contains useful material to which one could have referred if necessary. But I was always more of a practical worker because in practice theoretical conditions on which sconomic considerations are based usually look different and there is always time to adapt oneself to concrete circumstances.

Q I now put to you mother prosecution exhibit, Number 1192, Document Book 65, English page 34, Garman page 63. This is a meeting of the Metal subcommission of 16 April 1940 containing a report by Mayer-Kuester. What do you have to say about this exhibit?

- the minutes as the distribution list indicates. Moreover Mr. Mayerausster was a violent Wasi, and we were used to such tirades as are
 recorded here. Whatever Mayer-Kuester picked up in his circles he
 accepted immediately and presented it as a positive conclusion. No
 one took him seriously in this. But one had to accept it because
 Mayer-Kuester was, to a certain degree, dang rous to those around
 him. Professor Krauch has also spoken of him here and said that he
 was an informer. I personally had to suffer greatly because of this
 man.
- Q Mr. Heafligar, I now close the subject of Norway and shall now take up Francolor. First of all, did you have enything to do with these negotiations?
- . No, this was a matter which belonged to the dys-stuffs Sporte, and was completely outside my field.
- Q If I understand you correctly you were not personally involved in the Francolor negotiations?
 - h Nor, never-
 - R was the Francolor motter reported in the Vorstand?
 - A Yes, by Dr. von Schnitzlar.
- Q Mr. Hasfliger, could you gather maything from these reports which would indicate that French property, as the prosecution says, was being stolen by Farben?
- a No, cartainly not. as I said bafors, I was not informed about the data is of the negotiations. The report given in the Vorstand gave me the impression and convinced me that this was an ordinary transaction which had been checked from the legal point of view.
- Q In this connection, Mr. Haefliger, I should like to ask
 you quite generally whether you, as a non-lawyer and commercial mea;
 were in any position to judge the legality of the contract with a
 foreign firm and whether this contract observed interactional law.

In Mar LS-M-LE-3-3-Mills (Int. von Schon)

Lourt No. VI, Casa No. VI.

Mr. SPRECKER: Just a moment. Mr. President, it seems to

that that question is so broad as to be maningless and not

pointed very directly to anything except one of the conclusions

thich your Heners must draw from the facts. Objection.

THE PRESIDENT: Well, one might not be a lawyer and yet

consider himself competent to pass upon certain legal conclusions.

is overrulad.

THE PRESIDENT: Wall, one might not be a lawyer and yet consider himself competent to pass upon a stain legal conclusions. I think he is entitled to say whether he regarded himself as competent in that field for whatever it may be worth. The objection

stand all the complicated regulations of international law. We had lawyers for that purp so who were responsible for working out these contracts. For example, the Hagus sules of Land Worfare — I read them only after Frankfurt was occupied in 1945. I was at that time advisor to the Swiss consulate and I want of to find out that protection Swiss nationals had in occupied Germany.

Wr. Hasflig r, I should like to put to you Presecution's Exhibit 369, Book Ms. English page 26, German page Ms. This is a meeting of 25 Saptember 1540 in which the Francolor negotiations are dealt with, among other things. Did you attend this meeting and the Vorstand meeting of 27 Saptember?

A No, as I have already said I was on vacation in Italy at that time. I saw these two documents only here. France and alsace Lorrains were reported at these meetings. When at later meetings of the Verstand further reports were given, I believe there was already a basic approval.

Q I now close the Francolor subject and come to alsace

Lorrains — the question of the lessing or further acquisition of

oxygen plants in alsace Lorraine. Did you have anything to do with

this?

A No, I never had enything to do with this matter and was never consulted on it.

Q That the Vorstand given a report on the acquisition of exygen plants in alsace Lorraine?

A No, in looking at the minutes of the Vorstand I find only reference to lease. That is in a red of the meeting of 27 Septemb r 1940. As I have already said, I was not present at this mesting. It rends, and I quote: "In comparison to France, a new factor has arisin by the coding of the old Raich territory Alsaca Lorrains, and its incorporation into the Garman Raich. For the dyestuffs Sports there results here from the necessity of considering influence on the firms Rossler and Malhouse, Paris, both of which are in Mulhouss. In this connection Mr. wab ar andress reports about the oxygen plants in Alscoa Lorrains. Two of these plants in Strasbourg-Schiltightim, Farbam lacend from the State Commisser acting for the Air Liquids and Cxygen's Liquids. Farben has lessed them together with the right and the obligation of later essuming comership of these plants. As for the other three plants, negotiations are still pending." Weber-andress probably did not consider this motter importent amough to report on it again later, for, as for as I know, Forban and its partners in the Varsinigt's Squaratoffwark's GmbH, Linds Eismaschinen a.G., had many dozens of small oxygen plants scattered throughout the Reich. I did not even know the names of these small plants. I am sure that the defendant Jashna will be able to tall you mare about this.

In conclusion on this subject I should like to ask, did you have knowledge of this whole transaction in alsece Lorraine?

A Mo, it was only here in Nurnberg that I learned of it.

DR. VON DETZLER: Your Honors, I am off aring into evidence now Hasfliger D cument Number 45 which Your Honors will find in Book 3 on page 69 and which may go in as Hasfliger Exhibit 38. This is an affidavit of Mayer-Legalin, former procuriet in the legal department Chemicals of I.G. at Frankfurt. The affiant testifies on the negotiations concerning the lease and acquisition of oxygen works in

16 Mer LE-M-MB-3-5-Mills (Int. von Schon)
Court No. VI, Casa No. VI.

with oxygen metters during the two years in which he, the witness, worked on this effair, had no share in the efficientioned negotiations and that the cosmercial side of these metters were dealt with by Mr. Tabur-andreas personally who was assisted by Mr. Ludwigs.

BY DR. VON METZLER:

have a very few questions to ask you. Did you, in any form, as mentioned by the Prosecution have anything to do with the Kontinentale tel, Catchemic GmbH, or Soda and Actualizati Ost G.m.b.H? Here you in the Vorstand or the Aufsichtsrat of any of these companies?

A No. I had nothing to do with any of these Eastern companies and contrary to the contention of the prosecution I was not a member of the East Committee of Farben. I do not even know whether this committee ever met.

Q Do you know anything about the realization of the alleged plundering plans of Farben in the East?

A No, I know nothing about this. As far as I know Farben never took over any chemical factories in the east. I know nothing of Farben's connections in this direction aside from the foundantion of a common sales office in Riga. I know, however, that one of our men was in this trustee company, Soda and Actsalkali Ost G.m.b.A., but that was purely a trustee and has nothing to do with the business.

Q Lir. Haefliger, in conclusion of your examination on Count II,
I want to ask you the following question. You know that the prosecution charges Farben with having systematically exploited the foreign
chemical industries during the war. Now, can you tell the Tribunal,
from your own field of work, an example showing that this attitude with
which the prosecution accusses the leading men of Farben, is not correct?

A Yes, I should like to cite as an example the case of the nickle mine at Petsamo which is mentioned in the presecution document.

Q Will you please tell us about this case.

A I do not know whether I should go into this matter in detail.

It would perhaps overburden the record. I believe after examing my

document book one could have a very good idea of this incident. There
fore I need only give a general outline. First of all, there was an

intention of getting a concession in a nickle mine at Petsamo owned by Mond Mickle and Company. I objected to the Finish Foreign Office and I said that this should not be done. In the first negotiations on a private basis with the Finnish subsidiary of the mickle trust, from the very beginning I said that we expected nothing from the Finns, which would look like a plundering of the mine, spoliation, and that the mine would be operated according to customery mining methods, and that we would demand nothing else from the Pinns. Also in setting a price, which is very difficult, and calculation of the price was quite impossible under the circumstances, we agreed on a price that we should start with the cost price plus the full smortisation and later I managed to arrange that the Finnish company should be paid an extra price to cover increased cost, for the finishing of the plant in the far North. It was a sum of eighteen million marks which the firm received in addition in this way. I had the feeling that the Finne welcomed our attitude and were very much relieved because I recall that they were having negotiations with another power at that time, because in the beginning we were to receive only mixty percent of production and forty percent was reserved for another power. I recall that during these negotiations very strong pressure was exerted to take the concession away and turn if over to this other power and to form a mixed company of which the other power would be in charge. These conditions are recorded in the official Finnish White Book or Blue Book that was published after the so-called Winter War.

Q Mr. Haefliger, what I am interested in primarily is the fact that originally the German authorities demanded that the concession of the Petsamo Mine which belonged to the Canadian or British Company Internation Nickle or Mond Nickle, should also go into German hands.

A I can not say that that was the demand made to us, but that was the intention to demand that, and I opposed this because I considered it an American firm and I didn't want to negotiate with a friendly firm under such conditions. I said that is not necessary to proceed in this way and I object to that for reasons of private industry.

DR. VON METZLER: Your Honors, I am offering now in evidence two documents dealing with the Petsano Mickell affair. The first document is Number 16 which your Honors will find in Book 3 on page 72 and which may go in as Heefliger Exhibit 39. This is an affidavit of Mr. Milger van Scherpenberg, now Oberregeirungsrat in the Bavarian Ministry of Economy. Up to 1 February 19hl the affiant was referent for the Secondinavian countries in the Department for Trade Policy of the German Foreign Office. In this capacity the affiant was concerned with the Petsamo Mikkeli affair and came in touch with the defendant Haefliger. He testifies that due to the intervention of the defendant the took the side of the British, respectively Canadian ownersof the Petsamo Mickle concession, this concession remained untouched despite an intention to the contrary on the part of the German authorities. I am offering next in evidence Maefliger Document Mo. 17 which your Monors will find in Book 3 on page 75 and which may go in as Macfligar Exhibit No. 40. This is an affidavit of Freiherr Gustaff Woldemar Wrede of Helsinki, Finland, who between 1 September 1940 and 19 September 1944 was managing director of the Petsamo Mikkeli Company, the Finnish subsidiary of the International Nickle Company of Canada, Toronto, the company who owned this concession, in this capacity the affiant participated in the negotiations with I. G. respectively, the defendant Haefliger, concerning the expansion and operation of the Petsamo Mickle Mines. He collaborates the statement of the affiant von Scherpenberg. He furthermore testifies on the friendly, fair, and loyal attitude which Haefliger adopted on this occasion. During the negotiations the terms under which the mines were to be exploited. He ends by saying that he considers Haefliger to be a just and fair minded business man.

- 1. Dr. Heafliger, in the exhibit which I have just offered-that is, the afflicate of Gustaf Wolflamer Wrede, Exhibit 40, it is mentioned that you informed Mr. Wrede of cartain plans of the Reichkommissar in Morway, Tarbovan, with the purpose of expanding his influence byond Norway. Can you very briefly explain this?
- I had resson to essume that Terboven had cortain ambitions to extend his influence in the north and to take in the mickel interests in the for north of Norwey and, in addition to that, he may have had ideas that later Cols would be included in a new fratic state, that a European Alaska might arise. I never identified these ambitions with the official Garman policy. In contact with the foreign office about the Potsamo matter, I was always of the opinion that the official attitude was always homest. It was a private idea of the Reichskommissar and, therefore, I was able with a clear consciunce to inform my Finnish friend about those ideas and tell him to watch out.
- If and shall go into Count III briefly slave labor and mass murder.

 First of all, Mr. Haefliger, I want to ask you generally whether you had anything to do with labor commitment and social care of workers in Farbon at any time.
- h. No. is a communical man in the Control Office of Forban in the frankfort office, these metters were entirely outside my school of work and my competency. I never had anything to do with these questions.
- Q. Mr. Haefliger, did you know enything about the employment of fortign workers by Farban?
 - ". Yor. I knew quite generally that foreign workers were employed.
- 7. Did you have any influence on the employment of foreign workers
- that. The uncloyment of foreign workers was under the plant management.

- q. Mr. Hasfliger, did you know that from a contain time on foreign conserioted for labor in Gormany?
- ... Since this whole subject was so outside my subsere, I have only

 * vary vagua recollection. In the case of France, I can recall that from

 * cartain time on there was some sort of labor conscription according to

 the Surman pattern which was promulgated by the Vichy government. I re
 call that at one time I believe it was in 1943—two young Franch phar
 macelegy students from Lyon called on me at my home in Frankfurt and

 brought me a letter of recommendation from one of my Frankfurt and

 the place them in a leading pharmacy in Frankfurt and I later saw them a

 few times. They were quite satisfied with the work to which they were

 assigned. In 1944 they did not some back from leave and the owner of the

 pharmacy told me they didn't want to expose themselves to the dangers of

 the air raids any more and I could hardly blace them. These young

 people did not tell me that they came to Germany on a compulsory basis.

There were some Dutch construction workers, too, when the firm sent to me to reprir some bomb decays on my house in 1944. They did not tell no either that they were in Germany one compulsory basis. They used to sing at their work.

Those were my little personal impressions that I had of foreign morkers and I never thought of compulsion.

- Q. Mr. Heafliger, was the Verstand, the Commercial Conmittee or the Chamierla Committee over given a report about obtaining or employing labor within Ferben?
- In I recell, those metters were never discussed in the bodies which you mentioned. I recell only that Mr. Mann once, at the end of a Verstand meeting, was asked by Gahaimrat Schmitz to speak about the so-called speech of Sauckel on the amployment of foreign labor outto generally, not referring to Parban specifically; I might have happened to hear this speech. I do not remember whether labor conscription was mentioned on this occasion. I was not listening very carefully. I believe this was

during the terrible time when one never know whether such meetings might not and in the sir reid shalter.

I should like to say a few more words which might holp to clarify this special atmosphere which existed from 1943 on to an increasing extent in such meetings and altogether in daily work. From the objective records and minutes one might believe that everything was in order, systematic. Letually, however, this was more and more just a shan and everyone fall an inner tension, an unrest, and some aled four at the dissolution that was coming because of the murderous air raids. If one reads the minutes of the Verstand ISA and KA new carefully, one can see the collapse which begins in 1943. A great deal was still written; we know that at least a great deal of it would remain on upper. One must have experienced all this to be able to understand that, for example, there must be gaps of memory and I wouldn't ask my worst energy to meet in inadequat. Air raid shelters, that his wife and children go through irraids where 2000 and more bombs are dropped dating from 1930.

Please forgive this diversion. I have seen the Cheng minutes here.

I have rord them all through and I have been able to observe that the obtaining of labor was never discussed, not a single time. There are ever a hundred meetings recorded. That was simply up to the management of the various plants.

- Thenk you. Mr. Heafligar, when you visited the Bitterfold I.G. plant, did you not talk about labor questions?
- ". No. I visited Ditterfold *bout every two months approximately, but such questions were never discussed.
- Q. Did you never hear that Poles and Eastern workers were brought to Germany by force?
- of how labor was obtained abroad. I assumed, of course, that workers that from the East who were in very difficult circumstances, very difficult living conditions, because of the war and, therefore, preferred to come to Germany where conditions were better. How these people were

actually brought to Germany, I did not know.

I might give an example from my private life here, too. Every eventing a little Russian turned up. He sounds outto free and when Frankfurt was occupied he said goodbye. He was in tears because he had been so well off. He had been working in the garden and we gave him eighteretes. He was very happy. He never said that he was here because of compulsion. He sound quite happy. I came in touch with such cases and that is where I get my impressions.

- . Thenk you, Mr. Heafliger. Did you know that concentration camp innetes were employed in the Ferben plants?
 - i. No. I lterned of thet only during this triel.
 - Q. But you wure a guest at the Tal mostings a few times.
- To a scientific lucture which was always given at the beginning of these mostings, perhaps two or three times it happened that at the end of the mosting I came back to the mosting in Frankfurt, having been busy with other things in my office in the mention, so that I could be present at lunch, because I had been invited.

On such occesions I once heard a report by Dr. Struss on labor. He give some statistics and in this way I obtained a contain everall view of the question. I cannot recall, however, that Struss mentioned the employment of concentration camp innates. As usual, there were quite a let of that in the room. Some of them were on top of others because there was not enough space. As I say, no details were given.

- 9. Mr. Heafliger, did you not learn that concentration camp inmates were employed at the concentration camp at Suschwitz?
 - A. No. I learned of that only here.
 - Q. Did you not know the name "Monowitz"?
- A. Here in Nurnberg by conversation with the gentlemen-what did you say? Didn't you ask me another question?

sctually brought to Garagay, I did not know.

I might give an exemple from my private life here, too. Every evening a little Russian turned up. He sound duite free and when Frankfurt was occupied he said goodbys. He was in tears because he had been so well off. He had been working in the graden and we gave him eightettes. He was very happy. He never said that he was here because of compulsion. He sound quite happy. I came in touch with such cases and that is where I get my impressions.

- in Thank you, Mr. Hatfliger. Did you know that concentration camp innates were employed in the Farbon plants?
 - A. No. I lastned of that only during this trial.
 - 9. But you were a guest at the Tal meetings a few times.
- Tag, I was present few times as a guest. In order to listen to a scientific lecture which was always given at the beginning of those mattings, perhaps two or three times it happened that at the end of the mosting I came back to the mosting in Frankfurt, having been busy with other things in my office in the meantime, so that I could be appeared at lunch, because I had been invited.

On such occasions I once hered = report by Dr. Stress on labor. He give some statistics and in this way I obtained a certain overall view of the question. I cannot recall, however, that Stress mentioned the employment of concentration camp innates. We usual, there were quite = let of charts in the room. Some of them were on top of others because there was not enough space. We fir as I could see from my soat, there was no writing on them, possible for reasons of secreey. As I say, no details were given.

- 4. Mr. Hacfliger, did you not learn that concentration camp inmates were employed at the concentration camp at Juschwitz?
 - A. No. I learned of that only here.
 - Q. Did you not know the neme "Monowitz"?
- A. Here in Nurnberg by conversation with the gentlemes—what did you say? Didn't you ask me another question?

- 1. Yes, I said "Monomitz." In the Vorstand mostings when credit applications were reported on, wasn't something said about this, about the use of concentration camp impats at (Auschwitz) Monowitz?
- A. Monowitz was a name that I heard only here. In the Verstand totings, no nothing was said about that no.

- Q. Mr. Hacfliger, in this connection I should like to cak you very briefly whother, you know maything about the human experiments with andical propagations which are alleged by the presidution. Those proportions are supposed to have been supplied by Ferben.
- A. I am outraged that men of science, whom I consider benefactors of hum nity and thom I have always edmired, should be necessed of being connected with such atrocities. That is quite impossible. I never heard northing about such human experiments in concentration cases. It was only through the Muraborg trials that I lourned of them.
- Q. Mr. Haefliger, did you ever heer maything of the gassing of concentration camp immetes?
- A. No. I learned of this, too, only after the capitulation. I may remark, in 1944 I was in Switzerland and I connot recall socing mything in the newspapers about any gessings. I can edd that.
- 4. Mr. Haefliger, I now conclude your examination on Count III. I mant to ask you a question about Count V, common plan or conspiracy. all the defendents are necessed of having participated in a conspiracy

16 Mar 48-M-AJ-6-2-Frimeau-von Schon Sourt & Caso 6 to commit crimes against peace with reference to Count II and III. That do you have to say to this accusation? A. I must very decisively object to such an accusation. I have already explained that I was not sure of any intentions of the Nazi government to mage a unr of aggression. Of course, there never was any such conspiracy. My murborship in the Vorstend as a Swiss citizen and the fact that before 1938 I was occasionally a guest of meetings of the orking committee, although I mas at the time Swiss consul, I consider further proof that nothing his ever said in the Verstand about any proposed mir of aggression. I consider this contention of the Prosecution so mislanding that I bolieve I need not say anything more about it. C. Mr. Hasfliger, to conclude your examination, I should like to mak a very for questions about your arrest. Then more you arrested? A. On the 11th of May 1945. Q. Hove you clemys been in custody since that time? A. No, thank goodness; in October 1945, because of my state of bunlth, I was released from the prison in Frankfurt, Brondesheim, and The dismissed to my home. On the 27th of Docember 1945 I was definitely rologged; at least, I thought this was finel at the time. Q. Then more you arrested again? A. On the 8th of April 1947 I came to Murnborn, presumebly as a voluntary witness. On the 3rd of May 1947, one day before the indictment was served. I was arrested. DR. VON METELER: This, Mr. Fresident, concludes my exemination in chiof. THE PRESIDENT: The defendant Haefligar is available to counsel for defense for further exemination. BY DR. DIX: (Counsel for defendent von Schnitzler): Q. Mr. Hoofliger, you have told about the negotiations with the Aussiger Verein. When and where did these negotiations take place? A. With the Aussiger Verein, there were two meetings, One was 9204

16 : '3-'-AJ-5-3-Primonu-von Schon Come & Case 6 In Margambar and the other in December 1938 in Berlin -- both of them ta Berline C. Thore in Perlin? A. The first negotiations were in the Dresdner Bank. The chemical factory, von Boyden, had invited us there because Mr. Zinssor was an Lifsichter t of the Dresdner Bank and in this capacity I believe and -Incedy contacted Frague. 6. Did my client, "shoimret Schmitz, attend these negotiations? i. No. I can only recell that in the morning when the gentlemen of the Proger Verein errived, including Mr. Proiss --Q. The is Mr. Preiss? ... Mr. Preiss was the president of the Tiflostoneza Bank -- I billiows an important person -- and Gehoimmet Schmitz appeared in the Estal -dlon to great him and there was a short conversation and then he work army again. Q. Mr. Hoofligor, ore you not mistaken? In the record of these a cotistions, the critton minutes, Coheimrat Samitz is mentioned as h-wing boom present at the negotiations. ... I cennot recall any official minutes being prepared. I collisso this is a file note to refresh the memory and one is usually not very formal hore. I assume that he. Schmitz come in for ten minutes and, in order to emphasize how important the matter was, they thought they should regard that ir. Schmitz was there but I can recall that he was not present. DR. DIK: Your Honors, this is morely a contribution to prove the reliability of the documentary evidence. BY DR. HOFFICH (Counsel for defendant -mbros): Q. Ir. Haafligar, your examination on Count III gives ms occasion to ak you a few brief questions. The first one is: did you, Mr. Mosfligur, know that there were concentration camps in Germany? A. Yos, I know, but one is ashamed to report hore that one 9205

Mar & B-M-W-6-4-Frimcau-von Schon Court 6 Caso 6 not ally know of only Granienburg and Dachau. That has become a joke ut it is true. I didn't know any others. Q. Mr. Haefliger, may I ask you then; you know only those two? 4. Yes, porhaps here and there I know that there was a comp -in Pasger, because on acqueintance of mine was there; she didn't tell me in thing about it but I know she was there; I thought that it was a little arm; I wasn't interested. Q. Mr. Sanfliger: another question: if you had happened to be at - Vorstand meeting and had there become acquainted with the order to orloy concentration camp immates, what could you have done? IF. SPRECIER: Just a minute; objection. THE FRESIDETY: Formit Dr. Hoffmen to complete his question - or and you complated it? DR. HOFFILM: You. THE PRESIDENT: The objection is sustained. That is in the field of speculation as to must be would have done under those circumstances. DP. ROFFM.M: No further questions. The RELET (Counsel for defendent Dator): 4. Mr. Hasfliggr, yesterday, then extended by your counsel you spoks shout Prospection Document NI-14274, Exhibit 1906, cross examination of Dr. Schneider. This is a record of a discussion at Frankfurt about the Felkonou factory. You attended this discussion and I should like to ask you the following about it: more you requainted with conditions of the Gramen mitrogen clusinum industry? A. No. I mas not; that is thy to asked Mr. Bachmann to tell us about it, because we had no information about it. Q. Dr. Bachucan was the director of the ". G. for the nitrogen of lime and purhaps, as you said, had helped the nitrogen of lime industry, Did you not make a mistake here incomet as Dr. Bachmann was the hond of the Gorman carbide association? A. Yes, that is quite possible -- the carbide -- that is right. 9206

16 Mar 48-M-W-5-5-Primanu-von Schon Court & Cosa 6

Carbide is the product used to produce nitrogen of lime. Most carbide -s large part of it -- is used for nitrogen of lime. I confused that.

That was in a field we didn't know, you see.

Q May I assume then that what you said yesterday about Dr. a chmann's statements, is assumption on your part?

A What Backmann told us, on the basis of his own knowledge bout the intentions of the nitrogen of lime industry, for support or non support of a foreign country, I cannot judge what he had to do with it, what the basis of that was, - who decided on it, etc. We just listened to what he said, and then we knew what Falkeniu might want to acquire there was such considerations to be remembered, and such and such difficulties to be expected. That was just information that was got in this way from a man whom we considered competent.

DR. RRAFT: No further questions.

THE PRESIDENT: The Tribunal will rise for recess.

(Tribunal in recess until 1045 hours.)

(AFTER RECESS)

The Tribunal is again in session.

13. VAN ROSPATT: Mr. President, I ask if the defendants Krauch, Ter Ther end Ambres, may be excused this afternoon because they want to that the sessions before the Commissioner.

THE FRANCE That request is greated, Counsel.

Dit. Wolf AMERICAN: May I file the sens epplication on behalf of the defendant, Gajeraki for the session temperow morning?

THE FRESIDECT: Yes, cortainly. That request is likewise granted.

DR. MAGNER (Counsel for Dr. Murster): Mr. President, I ask that my client, Dr. Murster be permitted to be absent temorrow, Mednesday, and the day after, Thursday, to prepare his case.

THE PRESIDENT: That request will be greated, and if some Counsel has in mind asking that the Tribunal be excused, please make it some nice, surry afternoon. We would like to get out.

Anything Arther from Counsel for the Defense with reference to the defendance in the box?

The Prosecution may cross-examine.

CROSS-EXAMENATION

B. MAEFLICER

BY TE ME TAKE

If Your Monors please, my questions will primarily deal with Count II. In. Sprecher will then continue.

I Mr. Macfliger, you testified this morning that you had no knowledge of plunder plans in the East. In this connection I would like to introduce three documents, without comment.

First, MI-14530, which will become Exhibit 1996.

Second, NI-14529, which will become Exhibit 1997, and

Third, WI-14531, which will become Exhibit 1998.

2 Now, Mr. Haefliger, concerning light metal plants in occupied France, do you recall that in July, 1941, you were advised of Farbon's negotiations in occupied France?

16 March-M-BY-8-2-Stewart (Int. von Schon) Court VI, Octo 6 A I recall that in 1941 I was in Paris once, accompanied by Director Zingler, on something to do with magnesium. We were very friendly with these gentlemen, they wanted our help for raw materials. I so not have any definite recollection; they wanted some help from our side to be able to continue operating. So fer as I recall, it was mentioned that in order to supply the French needs, larger quotes should be assigned. I actually never had anything to do with those negotiations. Dr. Ziegler was the man in charge, but for politoness sake I thought it necessary to visit these men in Paris and to see them. 2 les the Farbon employee, Bollmann, particularly in charge of this mettor? A Solimann was one of the representatives of the Electron Notel Department of Berlin. He had a small office there, the direction of which was in the hands of Engineer Meinert. As his assistant, or the men coordinating with me for commercial matters, was Mr. Bollmann. He received his instructions from the Electron Metal Department, Eitterfold, and had the negotiations and contacts with the authorities, with the Air linistry, etc., whenever difficulties came up. I cm not informed about the details of his work. Q Do you recall that Bollmann suggested to contact envoy Hermon to have him use pressure if a definite understanding with the French Magnesium Industry for the Farben plants could not be reached otherwise? A I cannot remember that at all. It's quite unknown to me. MR. NEAMAN: Next we shall introduce MI-14521, which will become our Exhibit 1999. This is a letter by Bollmann to Ziegler, and a copy was sent to you. Do you recall that you had asked for and received a promise of the RAM that Farben employees should be made Trustees of the French Light Metal Industry? A That do you want me to answer now? 2 The question is in connection with the document before you and 9210

to you remember my last question?

- ... You said the Trustee of the French Magnesium factories. I must say
 - and that it was planned or suggested by Farbon?
 - . I don't know. I con't remember anything about it.
- I You said yesterday, and also today, that you did not participate in Firtual's new order reports, and that you did not even read than. Isn't it true that while the new order reports were being propered by Parken, you personally discussed the Grossraum Economy (Big Area Economy) with Dr. Ungowitter on august 16, 1940?
- I do not remember that either. I have known Dr. Ungowitter since the first World War. Then I visited him we spoke about all kinds of things, very lightly, it was nothing official, and of course, it is mustible that we discussed such questions as European collaboration. I have my own ideas about these things too, as I mentioned in my speeches. It is quite possible that I discussed such a subject with Ungowitter, but efficially I had mathing to do with it.
- I Now turning to Morway, you negotiated with Norsk Hydre's General Manager Aubert in the summer of 1940, with respect to the erection of the memorium plant in Morway.
- a That is not right. In the fell of 1940 I did not see Mr. Ambert.

 I haved here that he colled on Professor Krouch. I did not see him in Berlin.
- 2 Did you see him in Oslo, in the summer of 1940?
- A Of course I must have seen him the first time that I went to Oslo. That was in 1941 though. My first visit there was in 1941. In April was the occupation of Norway, and then came the interval and then the negotiations were carried out in '41. That was the first time in my life that I was in Oslo. I am sure I saw him then.

THE PRESIDENT: Gentlemen, may I remind you that you are going too repidly for the translation to reach the Tribunal. Please pause between

16 March-M-BK-8-4-Stewart (Int. von Schon) Court VI, Case 6

have probably heard heretofore. It is not necessary for you to go into all of the explanations that you think ought to be made. If you go far enough in your answer to give the information that Counsel asks for, your Counsel will have an opportunity to permit you to make further explanations if he thinks it is proper or advisable.

Now, to both of you, please observe the problem of translation here, and see if we cannot get along a little more orderly.

SY MR. NEWMAN:

- Q Did you negotiate with Aubert or other Norsk Hydro people in the magnesium project in either 1940 or 141?
- A Tes, of course; I said that. Not with Aubert, he was the head, I believe I negotiated with Mr. Eriksen and Mr. Voss.
- Is it your position that these negotiations conducted by you with Norsk Hydro were caused by the German Reich or its agencies?
- A First of all, I didn't conduct these negotiations. I came in only after the Desic decisions had been reached on both sides. Secondly, I only knew that we had to produce magnesium, that there was a government order to expand the plants in Germany and that this was not possible because of the electricity conditions, and that General Director Aubert suggested that we make magnesium together. We accepted this suggestion with pleasure and got the approval of the Reich Ministry of Economics, that instead of the German project, we produce in Norway. I was not aware at all that this constituted pressure.
- Q Now, as to the last questions, I introduce your affidavit of April 25, 1547, which is NI-5972, and which will be our
 Exhibit 2000 as far as the cluminum plant in Norway is concerned,
 do you recall that in November, 1940, you were afraid lest the Derman air Ministry, Koppenberg, would build up the cluminum plants in
 Norway on its own account, thereby eliminating Farben as a partner?
- A I didn't get the question because I thought I had to look at the document here. Would you -
- Q I have no question in connection with your affidavit.

 My question was as far as the aluminum plant in Norway is concerned,
 do you recall that in November, 1940, you were afraid that the

 German Air Ministry would build up the aluminum plants in Norway
 without Farben's participation?

a On the contrary, if I had heard of it I would have been glad that Farben would not participate because we were not so eager to get into the aluminum expansion. We would have liked to keep out of the aluminum expansion. I know this policy. All of the technical men shared this opinion, with the excaption of course of the men who were actually producing aluminum. That was obvious of course that they wanted to take core of their brain child and had different ideas on the subject. But during all those years from 1933 on we were always very hesitant to go into aluminum expansion.

Q Doss it refresh your recollection when I ask you more specifically whether you reported on such intentions of the German Baich during a lunch you had on November 27, 1940, at the Berlin Club with General Mummenthay (M-u-p-z-e-n-t-h-c-y) and some Furben directors?

a I don't remember — maybe you think that Mr. Musmenthey as a General was an important personality? That was an employee of mine, or an associate of mine. We took him in as our limison man at the request of the OKW, I think, because he was pensioned off as a result of an accident and wanted to have a job. We used him as a limison man. That there was an internal discussion at a lunch; what we talked about—I really don't know. I couldn't know that.

Q News, turning to Austria and the acquisitions in Austria after the Anachluse. You testified yesterday as to plane in September, 1937, according to which I.G. Ferben wished to make Pollak and Phillip partners in its Austrian Anilinchemia, Vianna. Do you recall that such an offer was already made to Pollak and Phillip in 1937?

A No, I cannot remember. In '37 I was in America two hundred and ten days, and besides there were a lot of negotiations that I learned about here later from the documents. It is possible that something was done in May about this plan with the Anilinchemie. It corresponded to our ideas.

16 Mr 48-M-18-9-3-Schwab (Int. von Schon) Court No. VI, Cess No. VI.

Q Now, you also mentioned yesterday that it was an almost unique privilage that Mr. Phillip was invited to attend a KA meeting of Farban in September, 1937.

h Wall, ---

I Just a moment; I have not put my question. Just to make it clear for the record, is this the same Mr. Phillip of whom the furbin memorandum of November 14, 1938, said that he is no longer countly for Bratislava but that he has not yet outlived his usefullmoss for Farban and should therefore not yet be advised of his imminent dismissal?

Just tall me if this is the same Mr. Phillip--just a

DR. VON METZLER (Counsel for defendant Hasfliger): Objection. I don't say what this question has to do with my examination-in-chief. It is quite beyond my exemination-in-chief, I think.

THE PRESIDENT: well, it assumes something that the witness has not said he knows anything about. If he knows who this
Er. Phillip is, that counsel for the Prosecution refers to, that
is one thing, and then if he does know that, whether or not that
is the other Mr. Phillip that he has testified about that he knows,
he may then say. But there is no identity here of it being the same
person except the coincidence of similar names.

Counsel, you should ask him whether he knows the man that is referred to in the subject that you ask about. Then he can say whether or not it is the same man.

MR. NETMAN: Now, Mr. President, I think I can shorten this by just referring to the document in question. It is our Exhibit 1095, NI-25h?, and you will find this in our Document Book 53, English page 92, and German page 127.

THE PRESIDENT: Now, my point is if you wish to press your inquiry, hand him that document; ask him if he knows that Mr. Phillip that is referred to in that document. If he does, then you 16 Mar 48-M-MB-9-4-Schwab (Int. von Schon) Court Mo. VI, Casa No. VI.

BY MR. NEWMAN:

are entitled to know whether that is the same Mr. Phillip that he referred to.

LER. NEWMAN: I think, Mr. Frasident, with this reference the record will speak for itself.

Willing, in order to acquire a more active share in the two Austrian enterprises, to give the owners a sphere of influence connected with Dynamit Mobel A.G.?

A I didn't quite get the question.

villing, in order to sequire Skode-Wetzler and Dautsch-Matrei, to give the remark of these enterprises, in consideration for that, some participation of Dynamit Nobel A.G., Bratislave?

A The Skenda-Netzler and Dynamit Nobel were to be put together, you see. One fire was to take in the other one, and we wanted to get a majority, if possible. That was the whole plan. Deneral Director Pollak, too, some a sound thing in such a marger, and quite rightly. I think this idea existed before the Anechluse.

6070, which will be our Exhibit 2001. These ere minutes of the mustrian meeting of April 19, 1938 attended by you, Kushne, Ilgner, and others. I will have no further questions concerning the document.

Now, concerning the Austrian New Order letter of april 9, 1936, which was signed by you and Krueger. Did I correctly understand yesterday that its heading, "Austrian New Order," originated with Krueger, whereas the idea expressed in the latter originated with Follak?

A I said yesterday that this New Order set down in this letter corresponded entirally with the ideas which had been discussed with Pollek before the anschluss and with which he quite agreed. One could not call that a New Order than; it was nothing new.

- Q This suggestion contained in said letter that the austrian enterprise should work within the framework of the Four Year Plan—did this idea originate with Pollak, or with whom did it originate?
- in Burlin. No one can say, averyone knows how the Four Year Plan was used when someone wanted to accomplish something. If you said something is in the interest of the Four Year Flan, then averyone was in favor of it and it was simple to get approval. The Four Year Flan! That was the fashion. It had to be emphasized in averything, even for the most trivial things, 4 years plan, good! Accepted!
- Q Now, would you say that the suggestions contained in said latter of april 9, 1956 were made voluntarily on the part of Farban, or were they done under some governmental pressure?
- Profess r Krouch has already said, the reasons were never discussed for the Four Year Plan and actually it was so that we had the greatest difficulty and embarrasement later on discussing what to do with Moosbierbaum, with the limited labor possibilities caused by the war. Dr. Kuehn: can tell you about that.
- Q Just a moment. I did not ask you in my last question about the Four Fer Plan, but I referred to the Austrian New Order Letter as a whole. And by question is this. Is it your position that the suggestions contained in this New Order Letter were made voluntarily on the part of Farben, or were they done under governmental pressure?
- A This latter arose because of the wish of Mr. Keppler. He had cartain duties down there which he had been assigned by Hitler, and he manted to get information. Since I was informed very superficially in the discussions, I said, "Well, we'll arrange it." And the people who had the information were asked to draw up the letter,

ind since Mr. Kapplar had asked me, Mr. Krueger sent this latter to me, in Frankfurt, to sign it. And then it was sent on. Pressure? That is a very natural request. There is no point in talking about it. There was no pressure.

- Q You have inswered the question.
- A It was information. We thought it was important in our own interests.
- Q Mr. Harfliger, you have answered the question. I don't think you have to elaborate.

Now, with respect to Forben's dealing with the Kreditanstalt, with the Austrian Kreditanstalt, concerning Skoda-Wetzler-is it not true that before the Anschluss, Kreditanstalt was represented by its then General Manager, Dr. Johan? Is that brue?

A. Johan. I dien't know that. I never saw him before. I assume

THE PRESIDENT: Mr. Defendant, just a moment. If you don't know about it, that suffices. There is no reflection upon you or your intelligence or your association to frenkly say "I don't know." That is a complete enswer and it will save much time.

Q. You discussed yesterday Parbon's letter to Dr. Johan, signed by you, of March 29, 1938. This was our Exhibit 1071. I call your attention to your statement in said letter, I quote: "In any case a substantial minority is to remain in your" -- that means Mreditanstalt's-"possession."

Now is it not true that you withdrow this suggestion later?

A. No, not I. I said posterday that that was the only accidental meeting that I had with Johns, to get the statement from him, and that was all I had to do with it. I had nothing to do with the further negotiations which, as I have learned now, eventually led to the Krochtanstalt giving up everything, (which was no doubt the best deal). That was not even mentioned at the time. Then I talked to Johns it was only said that he wanted to get a substantial minority; and I accepted this idea.

Q. Now, do you know that this suggestion was later withdrawn because in the meantime Farbon had son the support of the Austrian Nazi cuthorities?

- A. I know that later the negotiations led to the whole, or almost the whole of what the Kreditanstalt had achieved being sold. But in my opinion that was certainly not because Parbon had received the support of the Masi authorities.
- Q. You also discussed during direct exemination our Exhibit 1072, your file notes on your stay in Vienna of April 6, 1938. You testified that in order to oblige Dr. Johan you suggested yourself that Kreditanstelt was to retain a so-called bonus or coupon, that is, some participation in the profits made by 3koda-Jetaler after the sale. Now, is it not true that this suggestion was also leter withdrawn?
- A. Yes, it was dropped because there was no minority retained by the Kreditanstalt.

1. Good. You didn't answer my question.

THE PRESIDENT: That is an ensure. He said it was dropped, which is tentempunt, I assume, to being withdrawn. Did you mean that it was mithdrawn?

ATMESS: There was no basis for it since the Kreditanstalt was ready to give up everything ...-

THE PRESIDENT: That is an answer. That is an answer.

- Q. Now, is it true that after your preliminary discussions with Dr. Johan, negotiations concerning the sale were no longer conducted with Johan but with Pfeiffer?
- A. I didn't have the vagnest idea about internal matters in the bank. I saw Mr. Johan once and later I heard about a Mr. Pfeiffer—I also not him once. How things more arranged in the Kreditanstalt was none of my business. I know that Johan was still working for the bank. Firhaps he turned over the deal to Pfeiffer. I den't know, it wasn't mything to do with me.
- Q. We shall introduce WI-14505, which becomes our Exhibit 2002, which is a mome by Mayor-Togolin of September 1st, 1938. Were you also present when Ilgner negotiated the deal with Dr. Pfeiffer?
- A. I remember, when in the beginning of May, 138, we not in Vienna to remove the commissers who had been forced on us, that on this occasion Dr. Ilgner visited the Kreditanstalt, and I accompanied him. That was the first time that I saw Mr. Pfeiffer. The conversation was very brief. In my opinion all that was said was that the trustee companies report to be smited for...
- L. Now, when you called on Keppler after the Anschluss, did you idvise him at the time that hir. Johan had determined not to part with his Skeda-Netzler shares and that Farban had given up the matter for the time being, until the Anschluss took place? Did you so advise Keppler at the time?
 - A. No. . no.

ODERT VI CASE VI 16 Mar 48-10-3-M-AEH-Schweb (von Schon)

- is had not been willing in the past to part with the majority of the Skods-Jetzler shares?
- A. Toll, that was discussed. It was like this: Before the Anschluss the Kreditensfelt was not ready to give up the majority, but at the same time he said, who will do everything. We will give them a majority defects, because they can thus choose whatever securities they want." It developed that the instructions of the Kreditenstatt from the government were that the majority was formally to remain in Austrian hands. But we always had the presidence of this forty-mine percent plus those securities. We always considered that as, in effect, a majority. This is only another may of put ing it now. Since these instructions were no longer in existence, it was considered a matter of course that the Kreditenstalt was now willing, formally ready to give up the majority. But they would have been glad to keep a certain minority share.
- Q. Mr. Haefliger, you testified yesterday conserming your statement to Keppler on March 13, 1935, to the effect that Farban had already been training Austrians for the just few years. Just a moment. You called this statement yesterday a terminological inexactitude. Just a moment I have not yet gut my question...

THE PRESIDENT: Just a moment. That is an argument with the witness and not a question.

- Q. I come to my question. Is it not true that two other Austrians, Naubacher and Alfred Peter Moser, (T-i-c-s-c-r) had both fled to Genmany because they had been engaged in Nasi netivities in Austria and that long before the Anschluss they were hired and trained by Farben?
 - A. First of all-

THE PRESIDENT: Hir. Defendant, that is about three questions in one.

If you can answer it yes or no, we will permit you to do it, and if you cannot, we will ask counsel to restate the question.

A. Yes. I can only say that I heard this name Wieser here for the first time and I was not acquainted with the career of Mr. Newbacher and Mr. Wieser. I know that Membacher later on became mayor of Vienna, but what he was before that I had no idea.

The Polish dyestuffs factories, you testified yesterday that when you, together with Frentzel, saw Oberregiorungsret Heffman in the Roll, Heffmann brought up the subject of the Polish factories. Did I correctly understand you that Heffmann also said that because of the situation it would be necessary to appoint a trustee?

A. You can't pin me down to details of this conversation. I had nothing to do with these Polish things. If I think it over today, it can only have been like this: Ir. Frontzel was given to me as an assistant to deal with the new confiscation matters of the delivery of goods to Germany, and besides Ir. Frontzel had been for years the limison man from Berlin to Frankfurt and he deily and continously had assignments to make certain arrangements and to pass them on to the competent authorities in Frankfurt. It was probably like this: Ir. Frantzel was there. I know the Roffmann because of sulphur matters foreign currency import matters, and he took care of this Folimh business, and I don't remember what it was. It was passed on to Frankfurt.

THE FRESIDEM: Just a moment. Counsel, if you will ask simple questions and not complex questions of the defendant, we shall try to help in the matter of this exemination by urging the defendant to make direct and simple answers. Now the problem we are confronted with here is this: you are asking very, very complicated questions, which is an invitation to the defendant to talk too much. If you break your questions down in two or three questions, I think it will saye time and impole us to urge the defendant to give your adirect answer.

Witness said justerday.

THE PRESIDENT: I didn't interrupt you, but as to what he said yesterday is recorded in two languages and on the sound track, and if you have any uncertainty as to what he said, it's not necessary to have repeat it because you can to to the record and read it.

MR. NEMAN: In this connection, I introduce NI-2969, which will become our Exhibit 2003. This is a file memorandum from Dr. Kugler on Haefliger's discussion with Dr. Hoffmann on September 9, 1939.

I have no further questions. Mr. Sprecher will go on.

CROSS EXAMINATION

- Q. Just one or two preliminary questions on Count III. Dr. Exerliger, before I begin, are you listening on channel one to the English questions or to the Garman translation?
 - A. I am listuring to the English questions.
- G. Thank you. Now, did you have that any firms in Gorman amployed consumtration camp workers during the last wer ?

DR. von (ETZIJR: Cojection, Mr. Prositent, I don't see any connection with my executation in a sec.

THE PUBLICITY TO will overrels the objection agon the theory that it may be preliminary. I there the prosecutor will understed that we are not directly concerned with what other industries may have done. But us a matter of refreshing his recollection and purely as a preliminary matter, we will possible the mitness to answer the question.

THE MITHEES: No, I had no knowledge of that. But if ---

- Q. All right. You had no knowledge of it; that is enough for no. Now did you ask your Russian gardener the circumstances under which he was brought to Garmany so be could work for you?
 - A . No but ---
- q. All right, that is an answer. Did you ask the two Frenchmun that came to you making for a better job in Germany as to the circumstances under which they were recruited to come to Germany?
 - A. No, no.
- Q. Now, I am only asking you for a date. Three you not nominated to be the Swiss counsel in Frankfurt in Movember 1933 or don't you know!
 - A. You, that may have been the case.
- Q. Now in lags 1953, did not Carl Bosch raise with you same questions concerning your negatation as awass counsel because you were than conducting various negotiations for Farban of a confidential nature with the German Ministry of Her?

DR. VON METZLER: Objection, Mr. President.

questions and is only calculated to consume time. We like few questions, but weld rather have more and simple questions than few and complicated questions that provoke arguments here. They don't you start out, he.

Prospector, and ask him if he talked to Bosch about the matter. Parsus it stop by step. Then you will save a lot of time here.

19. SPRECHEN: Mell, I suppose I ought to make some limitation of time, and that is the only limitation I thought I made, apart from the questions as to whether or not bosch talked to him cone many him a pointment because of military magetiations.

THE INTENDET: While, the objection has been sustrined to that question.

BY IR. SECREE:

- Q. Did Hogen talk to you about any negotiations you were conducting with the subrancht in connection with your nomination as Swiss counsel?
- A. No, I make to "r. desch alone only once in my life, He represented me for becoming Swiss counsel without his parmission.
- Q. All right. I introduce in evidence in this connection, MI14662, which will become Prosecution Schioit 2004. You testified on
 Priday that you admired the Swiss nation with its democracy and its
 peaceful policy. As a metter of fact, before the last war broke out,
 did you not express yourself as admiring faccisin in Italy and maxism in
 Germany?
- A. I know what you mean. A tologram was sont to our representative of Itlan. Our representative congratulated us on the seizure of power in very flowery terms, and we had to enswer him. I believe the enswer was very sober compared with his flowery congratulatory tologram. That we just a matter of politoness; nothing class.
- Q. Now in that connection I introduce MI-7387, which will became Prosecution Dubibit 2005. This is a latter from you to Perrario in which you use the first person and not the language of a firm or a collective approach. I have no further questions about it. Isn't it true that from

1930 until 1938 you attended the soutless of the working committee of the Variand tenentwor you were in Germany?

As No, I cannot say that. I attended several mostings as a guo to. .

Mostly, you will find that Mr. Mover-Andreae was not present on those occasions. As to how often that happened, they must have been very solder.

Q. Bid you obtain purmission from the defend at Schritz in 1934 to sitered mustings of the working committee whenever you wanted to?

A. Yus; Hr. Schutz --

That is a tisfactory, if he give you the permission. From the time you became a mostly enabler of the Verstand on, did you not receive a participation in the profits of Farban just like a full Verstand marker in addition to you fixed a large

A: Yas, of course. I had a conspect with commission.

Q. That is an enseme. Midn't you write Tober-undrove that you thought the high responsibility you were given in the Verstand in negotiating contracts among other trings ame such that you should become a full Verstand number?

A. Yos. Cortainly I had ambitions at the time to become a regular Vorstand member if possible and argued my case.

THE PRESIDENT: That is a sufficient answer. You said you did.

EY VR. SPRECHER:

Q. Did you receive any private income from sources outside Cormany, or was your income restricted to German sources?

on. Will in the commission. I really don't so what this has to

THE PLANIBLE: I has at a loss to see the enterial quality of how it is connected with this case, unless you can tail us, Mr. Prosecutor.

Which is in ovidence, but the thing I had in mind was that there was a lot of testimony about the mitposses loyalty to Daitzerland and

THE THIRTY: "old, contrint" the fact that he may have had some instant from some place about most affect his loyalty, it seems to me. That is protty result.

BY : B. SPAZONER:

- 1. How many times were you in Switzerland ofter the outbrook of the war in 1939?
 - A. I believe two; perhaps three times it the most,
- 7. You tratified you wore there nee in 1942. That other occasions so you recall being there?
- A. In 143 and in 144. It might have been twice, it might have been three times; I am not sure. It was always the same re son: the alwains deliveries for the aluminan industry at Manhausen which had a plant in Germany that supplied us. There was some distinguished as connected with the pother company in Switzenband Which has to be removed.
- In 1934, I would like to introduce FI-Walk, which will become Prosecution Exhibit 2006. This is a last a from you to mob a-indrace. I have no passions about it. How I understand pour tealings in the last to lays to indicate that you had a small embed of including concerning production plans become you was a command I man. In that commented I want to put a few documents to you rather repaidly. Our NI-14500 will become Prosecution Exhibit 2007.

15 War-18-1-FJ-12-1-Jaylord-(Von Schon)-Court 6 case o

THE INCIDENT: What is that WI musber, pleaso?

- Q 14980. This is an extract from a conference in Bitterfield on the 17 of June 1925 concerning ferroes tileys, of which you received a copy. Does that refresh your recollection that you were informed of the storing of tunhetem ones in connection with the request of the Raion ministry of War, the Edl. 9
 - a You said I got a copy, that is not true, I nover now this.
 - Q holl, will you look at the distribution list, please.
 - A Thore is so distribution list on her .
- of the wall show you a photostatic copy. If it still domen't refresh your recollection, just may so.
 - A I have to read it.
 - a Lim only interested in the first paragraph.
 - A Yes, of course it's quite cluer

In PRESTANCE Take your time. Just a memont, please. The witness is asked when and how he required this decrement. He is entitled to a reasonable encortainty to how its contents before he answers. Go over it as rapidly as you can and familiarise yourself with it, and then tell us.

THE MINIST: Moll, I can see from the carbon copy that I am nuntioned here on the distribution list. Actually, soon after 133, I was in touch with Hr. Nuppler and with all other producers of ferrous alloys. Hr. Acpyler had the assignments to investigate the German ore deposits and to find out whether there was anything worth using.

THE HESTERRET AR. Defendant, the question is simple. The prosecuter has asked you as to whether or not this document now refreshes your mind so that you can say to the Tribunal whether or not you did or did not receive a copy of this document.

THE MITTERS: I assume so; I don't remember it, but

THE PHESIDENT: Well, that is an answer. That is sufficient. Wait for another question now.

If war had -50-12-2-waylordCourt 6 case 6

If W. SPARMER:

Q Did you know of the objectives of the German Government to move
the production of setal alloys and light metals to Central Germany
instead or saving such production at the borders of Germany?

The SPARMER:

Q I wan before 1939; between 1933 and 1939.

The PR SPARMER:

Q I wan before 1939; between 1933 and 1939.

The W.I.M.SE: No.

ET M. SPARMER:

Q In commention with your testingny that you considered stand-by

Q In consection with your bestimony that you considered stunn-by plants to have been arceted for peace time requirements, I want to introduce in evidence dI-14668, which will become Prosecution Exhibit 2008. If you appear on the distribution list, I have no further quentions. THE PERSONNE: We do not have that exhibit.

all of the documents.

TIT' JPASTOPWY: Now that is NI?

IE. SPECHTA: M-1467h. I am sorry, I bug your pardon; 11.600.

Tib TRADIUTAT: And it will take achibit number?

ME. SPASCIFE: 2008.

THE PFEILSAT: Thank you.

BY MR. SPHE UPST:

Q fore you informed that Major Cuiratis, C-z-i-m-a-t-i-s-, seted in conference both as a representative of the office for rew materials and for an exchange as well as a representative of the Reich War ministry in negotiations come arming light metals in the year 1936?

A No. I was not informed about !r. Czinatis' functions. I did not know what they were.

16 sar. W.- GJ-12-3-Waylord-Court 6 case 6

- Of Tore you meds aware of the interest of the army in a so-colled Pallaged crisis" in the light metal field during the year 1936, at the very beginning of the Four Year Plan?
 - a I gon't know about any orisis at that time.
- Q Intact connection, I would like to offer in evidence NI-1657h, which will become Prosecution Exhibit 2009, as well as NI-16669, which will become Prosecution Exhibit 2010. Here you were as early as November 1935 that the production of cluminum was being geared to the requirements of Germany in the case of war?
 - A his being?
- with Ge puny's requirements for the case of war?
- A .io, I slways thought that the aluminum expansion was counseted with the idea of autoreby and automobils expansion.
 - Q In that commetion, any me offer -
 - A I don't remember anything about mobilization plane.
- that it was necessary to build further aluminum plants in so-called protected arcss? And I refer to the period 1935 and 1936.
 - A Ho.
- Q In that connection, I offer Prosecution Exhibit NI-1670, which will become Twhibit 2011. Now in connection with light metal supplies during the er and in connection with nickel particularly, you have submitted a document, Haefliger Document 47, Haefliger Exhibit ho, from one, Daron Trede, W-r-e-d-e. Were you informed that Baron Wrode, W-r-e-d-e-
 - A Wrede Yes, yes.
- Q here you informed that Brede gave assurances that Germany didn't have to worry about nickel supply as soon as the condition in Finland became clarified according to German ideas? I refer to the period 1961.
- DR. Will be TAIRE: Objection, ar. President. I don't see what this question has to do with my examination in chief, because when I quoted

this instance, I asked the defendant about this i stance only with
the view to show his general attitude towards foreign property
or enanty property, and I don't know what this question of Mr. Presecutor
has to do with my emmination in chief.

THE PRESIDENT: What is your purpose, in Prosecutor?

IS. SPATCHTS: Well, Mr. Prisident, I have a number of purposes in which, but it's one thing for a defendant in this case to testify concerning for well the Firms received him when that particular Firm he is referring to was admittedly a collaborationist who was atmosphing to get Germany to make a German orientation in Finnland.

THE PUBLICAT: Your question herely reaches that point, does it?

IF. STRECKLE: Will, I don't think I have to lay all the import of my question in one question.

The FIFSI INT: Well, we will permit the witness to answer it in he can, but get to the point and not too much preliminary, pleasure be you understand the question?

file Villago: No.

THE MISSINGS All right, repost it.

4 Did Paren Wrude inform you that he was one of these Finns the mented A Guerran orientation politically in Finnlend?

The ISPSECTAR: Now, hr. Titness, you ought to be able to answer that question with "yea" or "no".

THE TITLESS: I do not remember. SI CR. Edia Cond:

Q Did you talk to the German forwign office about the position: of Earon Wrode in connection with your assignment in Figural ?

A I do not remember exactly, but I assume that I teld the foreign office, for they had to be informed of it about the fact that Wrode could have made a very energetic and active man who was willing to take care of the obligations.

15 March Ser-Li-12-5-Caylord-Court 6 case 6

ir. Truck was not a friend of the Germans. "Laws a Finn, he represented his country's interests, as they considered at the time, to the utnost.

In that connection, we will offer PT-16667 as Prosecution Exhibit 2012. Now a very few questi as about the return uses of the Farbon elsetron metal in Germany before the mar. Here you informed by the year 1936 that from the years 1934 through 1936 Parbon's production of our corrigo whoels from electron metal increased yearly until it remembed to five immared tens per year by the year 1938?

- A. I don't remember.
- Q. Mare you informed in the year 1938 of the pioneer work which Farban had done in developing and testing electron metal for gun car-
- A. I know that experiments were made in Bitterfeld and everywhere for the spalication of this metal, for heavy trucks, caissons, and wheels, other things too. But I didn't know any details,
- Q. Didn't you know in the year 1935 that Farban electron motal was predominently used for German arismmats in all three branches of the Webranaht, namely, the Air Force, the Army, and the Havy?
- A. I know that following from Bitterfold had to go to places designated by the Mil for processing, but how much that amounted to I den't retunder. I only know that the very larguest part of electron match what to numerous casting plants. I think there were ever 200.
 That they were actually used for I really don't know.
- IR. STRECTERS In that connection I will introduce MI-10528, thich will become Prosecution Exhibit 2013. This is a latter from you to Zingler at Bitterfeld concerning this point manny others, along with his answer to you. I have no further questions about its
- Q. (By Mr. Sprecher) Now, Defendant Heafliger, Austria was occupied by Derman troops at devereek beginning on the 12th of Narch 1938. Before the 12th of March 1938 did you inform Mayer-Wasser in Faris to leave Faris too soon rather than too late, because of the possibility of Mar, in case Hitler used force against both Austria and Czachoslovakie?
- A. I do not remember this letter, but there are a few bhings to be said about this. It is obvious that the political tension at the time, after Schuschnigs had called-off the plabincite, was very great and I can remember that I thought if the war started to spread, what would Italy do. The situation was tense. Those were assumptions on my part, obviously.

- Q. You acted on your assumptions, did you not?
- A. Beg your pardon?
- Q. You acted on your so-colled assumptions?
- A. Of course, just assumptions.
- Q. Now, at least after the austrian origin in 1938, and you not re and mobilization questions as matters which mere deally serious in their importance?
- A. I always thought it was a matter of course that for a mobilization there have to be certain mobilization plans for economy, because, after all, war is something that affects accoming too, and I considered it a matter of course that mobilization measures were measures which could show how serious the situation was only.
- Q. At the time of the Austrian crisis in 1938, did you feel bhat the dinter to the Farben handquarters in Frenkfurt was sufficiently serious in case of war so that it was unvise to enlarge the buildings in Frankfurt at that time?
- A. I believe that at that time it was the intention that blo big building in Frankfurt was supposed to be expended. I do not remain r the year exactly. But years before that I and slawys held the view that it would be better if the charges! —
- O. Just a minute, Defendant, just a minute, Defendant. I man't asking you about your prior feelings about moving to Parlia or not. I was asking you about the Austrian crisis, and thether or not at that time you felt that the crisis was sufficiently serious with respect to the eventuality of war so that you recommended for that reason that no unlargement be made of the headquarters in Frankfurt.
- A. The expansion of the headquarters at Frankfurt, that was something that went on for months. It was always being brought up, you can't say just because of political tension that it was dangurous. One can imagine anything at such a moment. One can say, "Tell, in the event of war, would France attack?" We did not know what was coming.

To had no may of knowing when screening like that starts, where it would not. I was thinking, "If Italy comes in, and France comes in, there will be planes over Frankfurt. That is dangerous, and it would suit no say that it would be better in Berlin."

- on the 11th of March 1938. The first matter on the agenda was the solidization question. This entry, Your Honors, will be found in Frotoution Ethibit 250 in MI-7621, and that entry simply states, "Dr.
 von Schmitzler reports on the present cituation and the measures to be taken in the future, and inferms the Committee that to begin with, he and Dr. Ilgner will approach the competent authorities on the basis of the available documents". This is found in Document Book IX, English yang 69. Now, my question to you is directed to that meeting of the Commercial Committee on the 11th of March, 1938. At that mosting, and the Commercial Committee consider the transfer to Berlin of those departments of the Chemical Sales Combine that is your Sales Combine, which had the greater amount of dealings with armaments for military cooncay?
- A. Tos, that was the idea. That was my idea, that the emphasis of chemicals was in Central Germany. There were a good many connections with Bitterfeld. Therefore, since economic control was getting stronger aspecially in such fields, it become very obvious that we always had to go to Berlin from Frankfurt to arrange such things, so that our decentrant chiefs were constantly in Berlin to discuss questions that came up and consequently it is quite —

THE PHESIDENT: Tou answered the question. That's enough of an inswer.

1. (By ir. Sprecher) This it not decided at that meeting that the proposed construction project for enlarging the Frankfurt headquarters should be postponed until you could investigate the possibility of the transferring to Barlin those departments of the Chemical Sales Suchine which had the greater encunt of relations with armoment and military aconomy.

- A. First of all, the Commorcial Cosmittee had nothing to decide about the expansion at Frankfurt. In the second place, I know --I recommended the idea of the transfer to Barlin. I suggested it, and I know that Dr. Higher velocined the suggestion and that he wanted to cooperate. He said, "All right, present you arguments. Tall us must reasons there are for going to Barlin." And it is obvious, when one has such an intention - I thought it was right to move the department to Barlin - that one emphasizes such arguments, but that was not decisive. The decisive thing was the difficulty in allocating all these materials, but all that is only part --
- Q. Defendant, I was merely asking you if the Commercial Commisted on the 11th of Nurch, 1938, did not decide that the enlargement of the hes iquarters was to be postponed until you could make an investigation of the possibility, I mentioned. Now was it or was it not?
 - A. I do not remember any such decision

THE PRESIDENT: That is sufficient. You said you do not renumber, it is a good answer.

- Q. (By ir. Sprechar) Just before the invesion of Austria, did you personally not know that Wither would invade Austria for cortain and that the quick thrust into Czechoslovakia might also take place?
 - A. No.
- Q. Now, after the occupation of Austria in March, 1938, the first aggressive act of Hitler, did you seriously consider returning to Switzerland, the land of your birth, at any time?
 - A. I thought of that again and again.
 THE PRESIDENT: That's enough.

IR. S FRECHER: Now, Your Monor, the next document I wish to mark is evidence is NI-16507. This will become Prosecution Exhibit 2016.

Q. (By I'r. Sprecher) This is a memorandum which I would like to have you look over during the racess. It is signed — This is a memorandum which is signed by you. It is marked "Secret". The subject is, "The Construction Projects in Frankfurt and Berlin". It is dated the 16th of March, 1938, but it speaks of the meeting of the 11th of March, 1938, the meeting of the Commercial Committee of that date, so there were five lays between the time of the Commercial Committee Meeting and the time you wrote this memorandum. May I ask you, to whom you addressed this memorandum?

THE VPESIDENT: If. Prosecutor, it is time for us to rise for lunch. Tay the defendant have the achibit over the moon hour?

deferments and I'd like to have -

THE PRESIDENT: I mean, may be have necess to it before the Tribural comes back? If you intend to interrogate him about it it will probably save time.

it given to him when he returns to the court room and sits in the witness box?

THE PRESIDENT: Well, that won't save us any time, I was heping -

II. SPRECHER: He returns before the session begins and will have plenty of time to read this three-page document.

THE PRESIDENT: See that he gets it in time to read it intelligently before he takes the witness stand again in the interest of saving time.

Just before we recess may I say that the Tribunal's Commissioner,

Nr. Linkroy has informed us that he has an interregation this afternoon
scheduled for 1:30 that may or not involve or interest the Defendant

Krauch. Dr. Drauch, you may use your own discretion. If you care to

12 5

250

16 March ht-M-DC-13-5-Arminger (von Schon)

nitend the Commissioner's hearing you are free to do so if you do not, you may come back with the other defendants.

The Pricuml is now in recess until 1:30.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 14 March 1948,)
THE MARSHAL: The Tribunal is again in session.

DR. PAUL HASFLIGER - Resumed CROSS-EXAMINATION (Continued)

BY MR. SPRECHER:

- O. Dr. Haefliger, my assistant, Miss Ranhael, gave you our Document, Prosecution Exhibit 2014 at thirteen minutes after one. Have you had a chance to read it through?
 - A. Is this MI-14501?
 - 7. No, that is NI-14507.
 - A. Oh, that is a "7." Yes, I have got it. Yes.
 - G. Now, to whom did you address that file note?
- A. I have read it through, I don't know to whom I addressed it. I assume that it went to M. Waber and Dr. Buhl.
 - S. Weber-Andreae, did you say?
- A. Yes, I assume to Weber-Andrese, but I cannot determint it. I son't know whether it was perhaps destined only for my own files. I saw sume that it also went to Dr. Buhl, but I connot determine that.
 - 9. Buhl, B-u-h-1, is that right?
 - A. What?
 - G. Dr. Buhl, B-u-h-1, is that right?
 - A. Yes, Buil.
- 9. Now, in that document you use three words in quotation marks, speaking of "the short thrust" That surge, stoss," When did you first hear about the proposed "short thrust" into Carchoslovakia?
- A. When I read it, Dhorized that, I must have heard of this expression only during the pseting. When this complication with Austria was discussed it must be mentioned by someone. That was a completely strange expression to me. It was all new to me. But I can say again what fears we harbored at the time, namely that the operation in Austria might

the serious consequences. I remember this meeting of March, 1938, very rall, when we suddenly received news during the meeting that Austria had team occupied. This came as a complete surprise.

- 9. Now, Defendant, just a minute. Did you say you received news that Austria had just been occupied?
- A. Yes, that is what it says, and I remember that during the meeting in Berlin we suddenly received news that a telephone call had come ' from Munich from the firm of "Wacke," which was a firm friendly to us, to the effect that troops were moving and that it was evidently intended to occupy the country. That was a complete surprise for all of us. I remacher that distinctly. Then we, of course, discussed it. One didn't know what would happen with Itely, for Itely had guaranteed certain areas of Austria, I believe. One assumed that Italy might march in. One thought that the French troops might be deployed, etc. Serious danger was seen. This atmosphere was used by me to point to my former hobbtorse, I night call it. For years I had a gain and again expressed the opinion that it would be more proper to move the heavy chemicals to Berlin; and I used this moment to reiterate. I said: You can see again for dengerous it would be if an air reid should come from France; at that time, of course, one believed that Berlin would be a perfectly safe place. That was another reason. This is also expressed in this document: It says, "Under these circumstances, of course, the conference on Manual took on highly significant features. We realized suddenly that like a stroke of lightening from a clear sky, a matter which one had hitherto treated more or less thuorutically, could become duadly surious."

THE PRESIDENT: Mr. Defendent, please, we cannot keep orderly procedure here unless we have some limitation on your answers. The Tribunal wishes to be liberal and give you a full opportunity to express yourself, but try to keep in mind the question that was asked and stop when you have 'namered that question and wait for another, please. Ask another question; Mr. Prosecutor.

- That the mosting was on 11 March. That is confirmed by Prosecution Exhibit 250, which refers to the Commercial which is the minutes of the
 Commercial Committee meeting of 11 March 1938. Now the invesion of
 Austria did not take place until the 12th, that is the next day, in the
 morning; you know that, do you not?
- A. I don't know that. I only know that on the lith of March when we held this meeting I assume that you are right, that it was the lith that we received a telephone report from Munich, or from the firm of Wacke, which is nearer the border, and I recall that Dr. Pischer gave cortain information that troops were being mobilized in Bavaria. Whether troops moved into Austria on the lith or early on the 12th, I don't know. At any rate, this alarming news reached us during this meeting, to the greatest surprise of all of us.
- Q. You don't know who mentioned "the short thrust" into Czechoslovekie to you, do you?
 - A. No, I have no idea.
- 1. Now, I have a very few questions about your Swiss citizenship.

 During the wer you testified that you had your residence in Berlin. When

 did you nove there?
- A. I aren't remember the exect data. I maintained a second residence for outto some time in Berlin, and I kept traveling back and forth between Berlin and Frankfurt. I moved to Berlin definitely shortly after the outbrook of the war, but I had already maintained a residence there before that time.
- Q. During the entire First World War, were you not head of the Garmen Wer Acids Commission in Berlin?
- A. No, that is too much to say. I was only a small scorctary at that time. I was 22 years old, 23 years old, no, excuse me, I was 28, but at any rate I was very young. I was General Director Plieninger's secretary before he took over an honorary office which was called, War Acids Commission.

- L. All right. W-r Acids, not assets.
- A. Acids.
- Q. Now, before the Second World Wir broke out in 1939, had you not personally expressed the desire to become a German citizen?
 - A. No.
- O. Before September 1939, did not the Vorstand of I. G. Ferbun express the desire that you should become German—that you should not become a German citizen?
 - A. No, by no meens.
- O. Did not the Verstand state that you should not become a German ditison because of the interests of both the German Seich and of I. G. Forbon?
- A. No, I believe that you could save yourself all these questions if you asked another question. No.
- Thenk you. Will it refresh your recollection if I mention in that connection that certain preparations in the case of war were under way in which the question of your citizenship would be important for those preparations. Does that refresh your recollections?
 - A. No, no. I will come to that.

O. Before --

Defendent, at the request of both your counsel and myself, will you go just a little bit slower so that we don't get the light?

Now, before the war broke out, is it not a question-is it not a feet that the whole question of your citizenship was taken up with the Military Economy Staff of the High Command?

Everyor in Berlin with the purpose of having as loft in peace as a forsigner so that I could perform my duties in the firm. I didn't want to
to bothered by these stringent regulations, and Dr. Krusger took it upon
himself to arrange the affair for me in his own way. As a result ha
wrote a lotter which I saw only after several weeks, and with the composition of which I had nothing to do. When I received that letter I was
surprised at the occuliar contents, the way they more formulated, but I
couldn't change anything in it any more because it had been sent out long

This letter was put to me on 11 May, 1935 at Frankfurt by an official of the G.I.C. as especially incriminating. I than stated immediately that I had learned of the contents of this letter only long after it was written, but I couldn't prove this yet at that time. This proof has by now been brought, and must be among my files, bucause I did not rest until this matter was finally clarified and thank Sou I received the support of Mr. D.wine, the interrogator, who promised that he would settle this matter in my files. Therefore, I consider it odd that I am again questioned about this matter, without being told that the whole thing has already been clarified in the official documents.

Q. We will some to the documents in a minute. Now, you testified that after the war began, it appeared that you were superfluous in Frankfurt, and hence you moved your residence to Berlin. Is it not a fact that those arrangements had been made even before the war broke out?

A. No

- A. That is all right.
- in No, only after the wer broke out did I transfer my main residence to Berlin. Before that I was frequently in Berlin.
- 4. My question was whether or not the arrangements were made before the war broke out that you would be transferred to Berlin in the case of war?
 - A. I can't remember that.
- i. Now, I would like to introduce NI-14661 as Prosecution's Exhibit 2015. I am giving copies of this to your it is the letter of br. Krunger and the defendant won der Heyde to the Military Economy Staff of the High Command concerning you, which was written on 11 August 1939.
 - I s that the letter which you saw shortly efter the war broke out?
 - A. Yos, that is the letter.
- O. Now, waren't you informed before that letter was written that the defendant von der Hayde and Dr. Krueger wanted to take this matter up, or were commissioned to take this matter up by Farben, in order to see that cortain desires of Farben were maintained in this matter?
- A. I cranot remember that the formulation of this letter was in 'my way discussed. Mr. Krueger stated to me at the time, "I am going to arrange this in my own way. You can leave it to me. I will get this matter settled, to have you protected."
- Q. Do you recall that the defendant won der Hoyde wrote to you about this matter suveral months before the war broke out, in 1939?
- A. Yos. The regulations about foreigners in Germany became more and more stringent.
- Q. Just a minute, Defendant. I asked you a simple question. Do you remember that the defendant von der Hayde wrote to you about this matter before the war broke out, in the year 1939?

THE PRESIDENT: He said yes.

A. Yes, and....

UP. SPRECEER: That is an answer.

THE WITHESE: This is the litter.

- Q. (By-Mr. Sprecher) Do you recall having received a communication from the defendant won der Heyde before you received the letter of 11 forguet 1939, which is in your hand, about this same metter?
- A. I can remainbor veguely that he wrote me a short latter at ong time in which he stated that Mr. Krueger had given him the mission to take care of this matter, and he was now going to deal with it. He asked ou for various personal data. He manted some information to write that latter.
- 1. All right. I will introduce HT-14563 we Prosecution Exhibit 2016, and you will be shown a comy of this Auttor

After you have read it through, will you tell us whether you yourseber this incident more clearly?

THE PRESIDENT: Mr. Prosecutor, while the defendant is looking as the letter, I might suggest that the Prosecution had botter take a little account of the clock too.

MR. SPRECHER: Tos, your Honor.

- A. Yes, that is a letter that I received in Jone 1939.
- O. (By it. Spracher) All right. Now I show you I will also introduce in this connection, without any questions, NI-14664, which will become Prosecution Exhibit 2017.

Now, one lest questions do you remember trking up on 29 Jugust 1939 certain questions in Frankfurt concerning once again what was to happen in the Frankfurt main headquesters in the event of war, in connection with mobilization?

. On 29 August 1939—that was just around the time when the war broke out, I was in Berlin. I cannot remember—I returned hurriedly from Switzerland because the threat of war was becoming greater, and arrived in Berlin on approximately 22 or 23 August, and I remained there. I can't remember, But the situation at that time was extremely surious: I know

that I came directly from Switzerland by car, went directly to Berlin,
and in the Herz-Mountains I received the news of the pact concluded between Molotov and Ribbentrop. That was a great relief for me. I thought
parhaps the matter would be straightened out and no complications would
arise; but undoubtedly the situation was very serious.

Q. Did you talk about the mobilization of the Frankfurt headquarters in the event of war, during that meriod after you returned from Switzerland, toward the end of august, and the time when wer actually broke out on September 1939?

A. I can't remember that. I know only that the mobilization plans had been issued and that I was surprised by the confiscations of certain products of which I had not known previously. I used that occasion to suggest to Mr. Neber-Andrees that, since I had no further work to do in Frankfurt, I should now take over a mediating function in Berlin in ordor to see to it that the agencies domling with the confiscations, that is the Reich Group Chemistry, Dr. Ungowitter, should with our amounts work together for the various products so that as for as possible no confusion should be erested. At that time I did not know that all that had parhaps already been properly discussed. I dign't know that that had been done slrowdy. I took over this mission of the request of Waber. I moved to Berlin, got the various people together with Mr. Ungowitter and saw to it that they were heard, and then this whole effeir was very soon dropped. I suggested to Mr. Weber-Andrese, and he, as for as I remember, urged me to retain my residence in Berlin and work for Department M, with an office on Kurfusrstendrum. That actually was done.

iR. SPRICHER: All right, we will love it with your explanation for the time being. No further questions.

16 Mar. A.- J-17-1-Hoxsie-(Katz)-

THE FFESiDExi: Any redirect examination, Counsel?

DR. FOR LOZISE: Yes, ar. President. may I make one brief observation on the cross-examination of the defendant? There have been put to the defen ant during his cross-examination a great deal of partly rather lengthy documents, and in connection with these documents no questions have been put to him pertaining to specific parts of these documents. Ther fore, all these documents are in my opinion entirely subject to re-examination. On the other hand, the defendant did not have sufficient time and opportunity to study these documents, and therefore, I would respectfully ask, in view of this fact, to postpone his re-examination so as to give him sufficient opportunity to read those documents, because I am afraid that otherwise I am not in a position to conduct an affective re-examination, and if the Tribunal should be willing to grant this request I would suppost that maybe this-re-conmination can to started tomorrow after the afternoon break, because tomorrow morning I have to attend to a sussion before the commissioner, who is wordning a witness of Gajowski.

that there is some merit in your point. However, we are also concerned about maintaining orderly procedure and knoping within reasonable limitations with respect to the schedule that we have adopted. I am wondering if we should great your request and postpone the redirect examination in order that you and your client should have some opportunity of knowing what these documents are about until temperow afternoon, do you think you could keep your re-direct examination within the limitations of the time that you still have available?

DP. VGW MRTILIR: Yes, Mr. President, I am sure of it.

The PRESIDENT: Then you deem it would be reasonable on our part if we would give you that time, of an hour?

DR. VOM .ETZIER: Yes.

16 Mar. 45-A-GJ-17-2-Yoxsic-Court 6 case 6

THE PRESIDENT: Under those circumstances we shall postpone the redirect examination of the defendant in the box until tomorrow eftermoon and allow you as much of your hour as you think you may need for the purpose of going into the matter of those documents. Is that satisfactory?

DH. VCM WITZLEF: Yes, much obliged, kr. President.

IR. SPACCHER: Ar. President, in connection with this matter —
and I know Dr. von Metzler is in complete agreement with me — the
Prosecution for the most part, in order to avoid a long rebuttal, and
in order to a voic considerable amount of surprise toward the end of the
case, has taken this means. In some cases we realize that it may aske
some difficulties, but I trust that this procedure is agreeable to your
Honors in the interests of cutting off a long rebuttal.

bably in the long run would conserve ture, and at the same time gives a proper opportunity to both sides to present the faces in this method rather than opening the way to too extended rebutted at the conclusion of the Prosecution's case. Under the circumstances the Tribunal is happy to see that you are in accord on those matters, and as we have indicated, we think it only fair to the defendant that he be given some opportunity to femiliarize himself with the contents of these documents. So that will be the routine with respect to this matter.

DR. DIE: Mr. President, is the entire redirect examination of ar. Haufliger to take place tomorrow, or does that refer to Dr. von Kutzler That is to say, can the other gentlemen who have any additional questions ask these questions now, or should they do so tomorrow? I have only a brief question.

The PRESIDENT: We would prefer to have it now, in other words,
is much of it as we can get over. Of course, there is not much occasion
here for such redirect as I see it, but certainly we do not want to
deprive any of counsel ... Are you speaking for yourself, Doctor, or
for counsel generally? Do you wish to ask some questions of the witness?

DR. 1-II: Yes, I myself want to ask some questions, but I reked also for my colleagues. My questions will take only two or three minutes.

With "MESILTH: If you are in a position to do it now, we would profer to stay on the subject and get as far as we can, and then leave Dr. Metaler his time for tomorrow. If you wish to ask the defendant some questions you may do so now, and that applies to your co-counsel, except Dr. you "taler.

DR. DIX: Very sell.

REDIFECT EXAMINATION

BY DR. LIX:

Q Er. Hackliger, or Sprecher select you whether in 1934 - please keep that date in mind - whether in 1934 the chairman of the Verwaltungerat, at any rate he mentioned Schmitz's name, give you permission to participate in the neutrons of the working committee, and you answered in the efficientive. Is that correct, incofer as are Schmitz is concorned?

Los. I colebrated my twenty-fifty service anniversary at the time, and I used that occasion to visit in .: chaits in Herliu. he congratulated he, and I asked him whether I could now attend the restings of the working committee as a guest, and he did give me this permission.

i always understood his permission to mean that I was invited to participate as a guest, and I didn't consider myself a member of the working committee, for ...

Q That is enough. Another question. If I now put to you that in 1934 Bosch was still the chairman of the Vorstand and Duisburg was the chairman of the Vermultungsrat, do you mean then still maintain that you asked Schmitz, and if so, why Schmitz?

A Because I didn't know at that time who was competent to give permission to attend the meetings of the working committee, and therefore I used the occasion of the congratulation and asked him, could I get that

permission, and Schaits said he had no objections. That confirms the fact that it was only intended as a guest.

DR. LIK: That is enough. I thank you very much.

selves that they will definitely have no more questions to ask toward ow after wen setzler is through, because they don't know yet what he is going to bring up towarrow. I think they are right.

The eRESTELLT: We are in much the sense situation. Do any of counsel for the Defense wish to ask any emitted question on redirect emidnation. That does not apply to the documents that were by the Prosecution in the course of its corss-examination of this defendant?

That, estilese, since there has been no indication of that character we shall treat the examination of this defendant as completed example the reduced examination that his counsel, Dr. won Metzler, may wish to pursue tensorrow, and, of course, if enymetter is brought out in the course of that examination that applies to any other defendant, the other defendant will have a reasonable opportunity to make inquiry along that line, so far as it relates to these documents or the testimony of the defendant concerning the documents.

So I think now we have a definite understanding of our procedure tomorrow, and the defendant in the bow is excused as a witness until tomorrow efternoon and may resume his place in the dock with his associator,

I take it, Dr. von Mittler that that concludes your presentation with that reservation?

DR. VON FYZICK: Exactly.

DR. Mark or, Noth, counsel for the defendant Dr. Max Ilgner.

hr. President, Your Honors, I intended to arrange my presentation of cyidome- for my client, Dr. Max Ilgner, as follows: First I shall call my client to the witness stand. Subsequently I shall examine three witnesses, and at the end I shall offer my document books. May I resurb at this time that my client has to make detailed statements about cortain

16 Har. LB-w-LJ-17-5-dexsie-Court 6 case 6

neous assumptions of the Prescention. This includes the field of prometion of experts. I hope that I shall be able to confine myself to the time granted me for four days for my case. May I now, with your Ecnor's permission, call my client Dr. Ilgner, to the witness stand?

THE MISSING IT: Dr. Ilgner, will you take the witness island?

Dh. 'AX ILDER, a witness, took the stand and testified as follows:

THE PERSONAL: Dr. Ilgner, will you please roise your right nand,

say "I", and state your name for the record.

El Theba: ", kar Hgner -

THE PRESIDENT: Now please repeat after me the oath: "Swear Ry Ged the Aladehty and Teniciant, that I will speak the pure truth and will withhold and add nothing."

(The witness repeated the onth.)
The PRESIDENT: You may be seated.

DR. NATH: Mr. President, I have esked my client to be as brief as possible in answer to a number of questions, to answer them in telegram-style, in order to save time. In order to do so my client is going to use notes.

THE PRESIDENT: That is permissible.

DIRECT EXAMINATION

BY DR. MaTH: (attornsy for the Defendant Tigner)

- Q Dr. Tigner, how long have you been in prison?
- A In three wasks my fourth year of uninterrupted imprisonment will bagin.
- Q Dr. Ilgner, you have made out a new affidavit describing your carear and activities until 1953. For that reason we can forego dealing with these questions in detail. I merely ask you to tell the Tribunal in a few short words your career in Farben.
- A On January, 1921, I entered services with Leopold Casella and Co., one of the predecessor firms of I. G. Farben, at the suggestion of Geheimrat Arthur von Weinberg and Professor Erwin Salck, that is to say I actually entered their service in the autumn of 1924, since after my return from Sweden I first of all went into training with the Badische Amilia und Sodefabrik. In the autumn of 1924, I then took over the purchasing department with Leopold Casella and became a member of the purchasing committee of the then Community of Interests I.G. Farben. In the spring of 1926, after the Farben merger, I myself made the suggestion that the purchasing department of Casella and Griesheim be merged. My suggestion was accepted, and I myself became superfluous, that is to say I was released and was available for other duties.

In the sutumn of 1926 I was sent to Berlin at the suggestion of two members of the Verweltungsrat, Carl von Weinberg and Dr. Klieninger. There I was to assist the newly appointed Farben finance expert, Ceheimrat Schmitz, and, above all, to assist him to maintain the contact between Frankfurt and Berlin. With this appointment I was released from my purchasing functions, but I remained a member of the

purchasing commission.

In the spring of 1929, on the occasion of the incorporation of the American I. G. Chemical Corporation in New York, I became a member of the board of directors, member of the executive committee, and vice president. Simultaneously, in the same year, a few months later, I became a deputy director of Farben, that is de jure producist with the title of director. From approximately 1931 on, I participated, in my capacity as director of the Central Finance Administration, in the meetings of the Working Committee of the Vorstand as a guest. I my-self had not yet become a member of the Vorstand at that time.

In the spring of 1954 I become a deputy Vorstand member, and in the spring of 1938 the difference between regular Vorstand members and deputy Vorstand members was abolished in Farben, and thus I automatically become a regular Vorstand member.

Q Dr. Higher, when in 1934, as you have just said, you became a deputy Verstand member, did you there have the same rights as any other Verstand member?

- à Lagally I did have them, but actually I did not.
- Q How wags the varying rights of the Vorstand members illustrated; how did they differ?
- A First of all, in pay. Then, at that time the Working Committee of the Worstand was still in existence. Since 1932-1935 I had already had the title of a director and participated constantly in these meetings as a guest; however, I was not a member; at least I was not appointed a member.
 - Q What functions did the working Committee have?
 - A It was, so to speak, the executive committee of the Vorstand.
 - Q Was that the top board of Farban?
- A No. The top boards of Ferhan were the Verweltungsrat; I would call it the executive committee of the supervisory board, and the Central Committee, but the significance of the latter was different at various times.

- Q In your capacity as a member of the Vorstand, did you have any other Vorstand member over you as your superior?
 - A Again the answer is legally not, but actually I did.
 - Q Would you explain that, please?
- A While I was a deputy Vorstand member, that is up until the summer of 1935, of course Gaheimrat Schmitz was my superior. After 1936, that is after I had become a regular Vorstand member, it was formerly a little different, but of course even then Gahaimrat Schmitz was still the decisive person for me if I had anything to submit to him.
 - Q How about the voting in the Vorstand?
- A This has already been discussed repeatedly here; I want to add that not only was there no voting in the Vorstand, but we never had the idea of holding such a vote in the Vorstand.
 - & 'ing was that?
- A My impression is that in this trial one has a completely errorg picture of the meaning of the Vorstand of Farben. We were de facto not one stock corporation; we were a whole number of stock corporations. In my opinion the corporation law didn't fit Farben any more; we had become too large for that. There were only two possibilities for us. Either to split up Farben and Mr. von Knieriem has already said here that a definite plan to this end existed or a new corporation law had to be introduced in Germiny; a law for the concerns; but the Wazie would not have done this because they wanted to nationalize us, as can be seen from Point 13 of the Party Program, or they wanted to dissolve us altogether after the war.
 - Q What was the character of the Vorstand meetings?
- A I am not a lawyer; for that reason I want to explain this according to my common sense. It is hard to define; I would say that they were a mixture of Aufsichtsrat meetings, with the character of reporting to a committee and the character of a clearing agency. Anybody who had enything of fundamental significance to report or who believed that he needed approval for some important matter, put this

on the agenda.

Q Did the Vorstand discuss the most important things, basides routing matters?

A No, that is not true; not all of them. There were many old standard fields that were often reported on only rarely; in many cases these were well-established fields that were running by themselves, so to speak, which were directed by the numerous competent, technical boards autonomously. On the other hand, schetimes relatively unimportant (in the sense of manutary value) questions were brought up because of their novelty or because of their fundamentality.

Q Did the individual Vorstand member report these matters by desiring all the participants to criticize what he had to say, or did he report in such a way that all his colleagues should assume that everything that he reported on had been thoroughly checked and sufficiently weighed and that they could then agree to what he said, unless there were some fundamental misgivings about it; is that correct?

A The latter, of course, was the case. For instance, a commercial man would bousider himself presumptuous if he were to criticize a technical plan that had passed a whole number of technical commissions, committees, sub-committees; that had been several times investigated as to the most varying aspects. I myself would have been very automismed, in my capacity as a commercial man, if a technical expert made fundamental statements about questions of finance; that was not the function of the Vorstand meeting.

Q Fut it could happen, couldn't it, that some basic difference of opinion came up?

A That really did not happen, or, it hardly ever happened, because all agencies that had to do with one and the same thing had already voted on it previously. If nevertheless some difference did
arise, then that was really a breakdown in the system. Then the chairman tabled the question, and the Vorstand members competent for this

point than convened after the Vorstand meeting for new deliberations.

W You mentioned the boards, the commissions and the committees previously. Would you please explain to us what significance they had for the business management of the Vorstand?

A These boards actually had the real responsibility. Their number is very large. The actual sovereignty of the autonomous administration organization of Ferben was very large and sometimes actually absolute. I am now thinking, for instance, of the Sales Combines, the Sparten, the Works-Combines, the large plants, and all the boards that actually discussed and decided current business, such as Dyestuffs Committee, Chemical Committee, which was called the Chama, Phermacoutical Main Conference, I cannot judge that but it would belong here too in the order of the things, Tee-Sparte Meetings, and so on.

Q In order to come back once more briefly to the Vorstand
naetings; did the resolutions passed in the Vorstand comprise all important decisions of Farben?

A No, that was quite impossible. Aside from many other aspects, the decisive factor was the question of time. The meetings, as
has been repeatedly stated here, lasted normally half an hour. Then,
there was a big lunch, which was a little fast, because we met only
seven times a year; in the big founder firms of Farben, Badische
Anilin, Hoschet, there the Vorstand met almost every day, that is to
say 250 to 300 times a year; that explains averything.

DR. NATH: Excuse me, Mr. President. Mr. Sprecher has pointed out to me that there has been a mistake. The interpreter said that the Vorstand meetings lasted half an hour, but they really lasted half a day.

THE PRESIDENT: We understood the defendant to say that they lasted a half an hour, and then there was a good lunch or dinner and then the mestings were resumed after the speeches.

A Excuse ms, I munt to explain, the meetings last half a day, and afterwards was a lunch.

THE PRESIDENT: Very wall.

BY DR. NATH:

Q Do I understand you correctly that you want to say that all of the Vorstand meetings of Farben generally treated only the general policy?

A Gamaral line, yes, you can say that; it was an orientation about the general line.

Q I shall leave this point, Mr. Ilgner, in your various functions I noted that you were the deputy business manager of the Ammoniakwarke Marseburg, G.m.b.H., Leune. That does that mean?

A Launa was a 100% subsidiary of Farban. The Central Finance Administration, abbreviation ZEFI, was so to speak simultaneously the finance department for Leuna as far as certain financial

16 Mar 48-A-MB-19-2-Sampson (Int. Katz) Court No. VI, Casa No. VI. transactions were concerned. The plant management of Launa had nothing to do with that; Q Why did you become deputy business managar? A I was to take care of these financial functions just mentioned; there was all kinds of correspondence about this matter; special banking correspondence, and for this purpose we needed the signature of banks in Berlin. For that reason, besides myself, all leading officials of the Central Pinance Administration who had to deal with these financial transactions of the Assoniakwark Marseburg had the right to sign for that firm. That means that besides their position in Farban they simultaneously were either deputy business managers or they were producists of Leune. Q Mr. Ilgner, you were also the business manager of the Buna Warke O.m.b.H. Why did you get that position? A That appointment was given to me at the suggestion of Geheimrat Schmitz in 1936, while I was absent; I learned of it as an accomplished fact after my return. Q Why did Geheimrat Schmitz.desire that appointment? A I heard it subsequently: The Central Finance Administration was instrumental in the foundation of the Buna-warke GMBH in 1936. Gahainrat Schmitz perhaps thought that, similarly to Launa, it would be expadient in this case too to have a person who could sign for financial matters in Berlin; however, we very soon found out that this was not necessary at all, so that this appointment as business managar was found to be superfluous. Q Do you want to say that, apart from your financial right of signing in Berlin, you had nothing to do with the Buna-Werke GMBH? A No, I had nothing to do with them spart from that. Q Wa now turn to another subject. Mr. Ilgner, from the documents submitted by the Prosecution, one might gain the impression that your extended trips abroad were undertaken by you only after 1933: What countries had you already visited before 1933? Very

brisfly, pleass.

A Sefera 1933 I had visited all of Europa, with the exception of Russia, Spain, Portugal; those three countries I have
never visited. The larger part of Asia Minor and of North African
countries, and especially the United States and Canada, but Canada
only briefly. All four extended trips to the United States, where
I stayed approximately fourteen months altogether, occurred before
1935. After 1935 I was there only once very briefly, when I returned
from South America; I traveled through the United States and stayed
there about ten days when I returned to G reany.

Q Wars thas all business brips?

A No, up to 1928 they were predominantly private trips; recreational trips to the Scandinavian countries, especially Sweden, also England and France and the Mediterranean countries, but also at a later time I made private trips to foreign countries; I liked to travel very much. I manted to see the world.

Q Mr. Hgner, I now turn to a new subject. I went to ask you some questions about your political attitude. What party did you belong to before 1955?

- A To pens.
- What party did you vote for before 1933?
- The Democratic Party, the State Party, on December, 1930; I know that an mail because I was at the time inspecting the Farban plants in southern Germany and I was here in Murnberg at that time. I maintained especially close contact with liberal and Democratic circles, the so-called Circle of Industrialists around Bruening.
 - 4 What kind of circle was that?
- A It wasn't only industrialists, it was aconomists' circle as well; there were industrialists there; there were bankers, aconomists; such people as Professor Wagemann, the president for the Institute of Boom Research. At that time he was still the president of the Statistical Reich Office until 1933.

2 Dr. Ilgnar, please give us only the names; the significance

A Professor von Moellandorff, Geheimret Bachem, Mr. Andreas of the banking firm of Herel (Salter Rathanow's brother-in-law), Mr. Vogal, Prof. Flachtheim, Gahaimrat Gliederar, Sigmund Warburg of the banking firm M. M. Warburg & Co.; Heinz Pulvermenn. The 'est four gentlanen ware Jaws, but that is only by the way. There was Mr. Schmitz and Mr. Warmbold, who occasionally participated; approximately fifty aconomists.

Q Dr. Ilgnar, we mant to get a straight record hers. I should be very much obliged to you if you would be a little more careful of the speed; you are speaking too quickly; the court reporters are having trouble. What was the purpose of that circle?

A Tha sims of this circle were to support the aconomic policies of Bruening's government; all of the economists were interested in mainteining Brusning in power; there were strong domestic tensions in politics in Garmany; the National Socialists against the Communists. All of the economy was highly interested, in seeing that the bourgeois government be kept steble.

What party did you vote for in March, 1933, after the accession to power?

A Excuse me, I hadn't finished my answer. From this circle two big papers were drawn up, one the so-colled Wagemann plann generally known in Germany, a currency and oradit reform plan, and then there were certain recommendations that were made for the recuperation of the Garman economy.

Q Flasse now, snswer my question. What party did you vote for in March, 1933, after the accession to pomer?

A After the seizure of power I voted for the Dautsch-Nationals, the Garman Nationalist Party. I did this because I considered that party, which belonged to the new coalition government,

16 Mar 48-4-13-19-5-Sampson (Int. Nata) Court M. VI, Casa No. VI.

the only party which might possibly be suitable to be a certain counter-talance to the preponderance of the NSDAP.

- Q. Then did you become a member of the MSDAP?
- A. In 1937.
- Q. That was the reason?
- for Thure was a practical reason and a general reason. The practical reason was that in the meantime, because of the Lew Regulating National Labor, I had become a plant leader in the sense of this labor law. I didn't want --
- 9. Mr. Ilgner, excuse me if I interrupt you. Mould you planse tell as where you became plant leader.
- I didn't want the Batriobsobmann to order me ground in my plant lander—
 ship. Bosides that, at that time an impression had been created, and you
 must always think back to the atmosphere of those times. The impression
 had been created by the party that they more now slowly getting down to
 normal, that they had consolidated themselves, that they were now going to
 be accepted by all the nations. I as thinking only of the well-known facts
 the Concordat with the Vatican, the Naval Agreement with England, the
 Olympic Games in 1936. And after all the countries of the world approved
 the foreign policy of the Third Reich in a demonstrable manner without being
 forced to do that, and they made advances to Hitler one after the other.
- Q. Mr. Ilgnur, didn't you ever think or didn't you ever intend to join the MSDAF already before 1937?
- thought about it. At that time I had the impression that the party didn't have sufficient economists especially young economists. Poole work missing who did not only understand economy but who were also ready to make their knowledge and their energy swallable in order to see to it that the entire movement took a reasonable and moderate direction. Busides that, I heard something about the labor procurement problem, a program of procuring work, about the labor procurement problem, a program and that made a good impression on me at the time, but nevertheless I did not join.

16 March - A - LU- 20-2-Sphers (Int. Kata) Court VI - Cas. VI Did you take care of your party duties after you entered the party? A. No, I didn't: I had a secretary, Fraulain Dohne, who arranged this very officiently for me. I didn't hold any office, I didn't give any political spurchus, and for the rest I didn't gain any adventeges from the party. I never owned a regular ruty book because for that purpose and had to go to the of ice of the local party administration and I didn't have any time for that. Q. You said a little shill ago that at that time you considered it proper that businessmen took a hand in order to provent or in order to try to steer the development moderately and recommely. For this respect were you in agreement with your friends and collergues in Burlin W /7 as No, not functionatelly. by douty, Dr. Krueger, for instance, advised me that I should protend to be deed. In to apart from the fact that that is a little difficult in view of my nature and character, I didn't consider it very courageous. Gehoirmet Eastel has testified here on the witness box and I quote, "Only one energetic ultimatum of the foreign countries and all this hoax - this Haxl hoar would have been done may with ". I slways hold the opinion that charity begins at home. Therefore, I must say this in supplementation. If on the 30th of June 1934 so much equrage for resistance had already existed as was present on the 20th of July 1944, then perhaps, I say purhaps, many things would have come differently -- perhaps. But this resistance and this constructive criticis could not come from outside, it had to come from inside-from at home. One had to enter the party for that purpose and not remain outside, and sometimes curiously and senetimes a little afraid match what might became of the whole thing. 2. How did your Lawing coller was in Farbon think about National Bocialism? A. At that time I didn't belong to the Vorstand yet, and for that reason I didn't have so much personal contact with them. However, the 9263

impression I had was that there was no general uniform policy. Some second to be not concerned at all with the whole matter. Others attempted to get through this somehow as best they could i.e. they tried to middle along and others again were so strongly opposed that they considered any discussion useless. East of them, however, thought that and should wait and see, everything would die down anymow, and if it did remain in force, then it would nuterationally assume normal channels. That was, for instance, the opinion of my friend, Signand "browng. These now people in power would soon see that one can only cook with unter.

- Q. Mr. Ilgner, they didn't they try at a later time when one saw where this whole thing was leading to, to actively influence this whole affair to a reasonable proportion?
- A. In my opinion after the 30th of June 1934 it was already too late for that but we only menuited that mission much later. At any rate, I coquired it much later.
 - Q. Did you yoursulf not according to your findings?
- the very thing that the prosecution today consider as senething detrimental senething negative. During my interrogations in Frankfurt on the Main, I was told, I was asked why I hadn't emigrated after I recognized that I couldn't take any influence in the matters anyhow. I would have considered that wrong absolutely wrong unless there had been compelling personal reasons that I respect, for instance, if there had been reasons of racial persocution. If one went abroad, then one only served one's own purposes, and one harmed all the rest, the firm and the employees, but by remaining in one 's position, one could provent very much, one could do very many positive things, and one could help and protect many people.
- Q. Dr. Ilgnur, wasn't your activity also caused by the initiative and the desire of the party themselves?
- A. By no mouns, and in no single instance. I know the general attitude of Geheiment Bosch and of Geheiment Schmitz. In the interest of Farbon we had to remain in-contact with the development. Bosch, who

people must maintain the centret. By activities were done in the interest of German aconomy and aspecially in the amburet of German exports, not in the interests of the party. On the centrary, many things were stopped by the party that I had initiated. In the beginning my activity was considered with much suspicion. Then they tried to resist, they tried to stop so and then they tried to resist me. In the spring of 1944 I was forbidden to traval cutside the beginning.

DR. WATH: Mr. President, I have a few more questions about the party program, and I believe that this would be a proper time to take the recess.

FRESIDIENT: Counsel will do that, but I must romind all the counsel again that the sound track runs just one hour and a half and if we wary too much on our sessions we get in trouble. I hope we won't this evening. We will take our recess at this time.

(A recoss was taken.)

OLAT VI CASE VI 15 Nor 48-22-1-A-AM-Leonard (Miss)

THE HARSHAL: The Tribunal is again in session.

THE PRESIDENT: The record my slow that the defendant Haefliger has been excused from attendance to return to the hospital at his request.

prosecution says on page for of the Trill Brief, I quoter

"From the carry 20's the Frogram of the NSDAP had been immored into

What do you have to any to that?

- A. That could have been written only by some one and has not been living in Germany. That is not correct in any any. If we had had in Germany a Callup Institute than we would have been able to find that as late as 1904 periods to of the German people had read the Party Fragran, really had read it to know that was in it. That Fregren was considered as election propagands by any soborty thinking German at the time, propagand: which would, as the nation the Party was elected and given the mission of ferming a government, then could be adapted so the practical necessities. For the rest, there was a shole let in that Party Fregran that sounded good and reasonable.
 - Q. Did you rend the book Their Kampf"?
 - A. No. I must say today, unfortunately no.
 - Q. What seemed reasonable to you in the Party Program?
- A. I only must to mention a few points. It was been substitud as Exhibit 4 by the Prosecution. Point 15, the old age funds. Point 16, the maintenance of a sound middle class. Foint 20, the prosection of the telested people. Point 21, the peoples' health and the prohibition for minors to work. Point 24, possitive Christianity. The majority and I too at that time interpreted that to mean real Christianity. Point 17, the additional remark contained therein that private property was recognized.
 - . What points did you roject?
- A. All the points connected with the Jordan question and also Point 13 regarding the large concerns that were to be nationalized. The religious question didn't werry no in the beginning because, as I said

just now, I had fallen for the formulation "Positive Christianity". Kargaver, at that time, I believed that one could not slake the faith of a people but in that respect I was fundamentally mistaken.

- Q. Dr. Ilgner, did you reject actually the points that you didn't like, in your mind, on the outside, in your actions and in your expression?
- A. I believe I can ensour that in the affirmative. Later, when I recognized that the formulation "Positive Christianity" was a deccit, a blusphony, and also in the James question I took action and spoke against it from the beginning to the end. Both of those things were closely connected, Christian questions and Jordsh questions. A Christian does not persecute a Jew.
- Q. Can you give as a few concrete examples where you expressed the fact that you did not approve the measures of the National Socialists in church questions and in Josish questions?
- A. Yos. Everything that I did is a matter of course for a decent person and I cortainly would not mention it here unless I were forced to do this by the prosecution's subulsaion. I only want to give you a few tengible examples for the Jowish question. The number of half-Jown and people who had married Jown in my plant after 1933 was larger than before 1933, and aspecially after the serious persecutions of Jews in 1938 increased constantly. I did this deliberately and I didn't only engage in a few exceptions as Mr. Spreacher put it one time, but that was a concentrated expression of unchanged opinion and an attitude that was a matter of course for me about Josesh questions. Secondly, although the plant boss of the Labor Front pointed out to me repeatedly that it was forbidden to employ half-Jows in my plant, I gave them important positions despite the prohibition and especially towards the end of the war, at a time when the persocution of Jews and taken on a functical proportion with the Party. Contrary to the Party regulations I left them their 50-called Aryan secretaries and disregarded the objectives of the Party by stringing them along. The third point was that in my capacity as the chairman of the Karl Schulz Society, the German-American Society, I rejected successfully at the dissatisfaction of the Party to incorporate

COURT VI CASE VI 16 Har AS-22-3-4-224-Leonard (Mate)

the chapter about argans in the bylaws. The last point, the fourth point, is that especially towards the end of the war I retained a few half-Jows in my plant who no longer were justified by their activity in being deformed. I transferred them to other departments in order to be able to chastify them as essential and to quotest them against the drafting into the organization Took, O. Bettalious, and everybody who lived in formany immes what that means, but Dr. Nath, I believe we can forego giving any further examples since we have submitted ample evidence in my decuments. I mention only the names - Kraut, you Princego, you brockerpiel, Salt, Mas, you Italian, Mascale, Schulz, Puhrmann, Maydrich, Lederer, Jacobi, Bockmonski, David abe.

Q Dr. Ilgner, we have indeed ample documentary evidence. Please just give me briefly a few more examples about the manner in which you contravened and countered the regulations of the Party concerning church questions.

A I only want to confine myself to a few points. The Swedish Church in Berlin with its pastor Birger-Forrell, of whom it was known that he worked together with the resistance movement of the Lutheran Church, and that to a considerable extent helped the Jows and the political persocutees to emigrate abroad - I supported the Swedish Church, especially at a time after the serious pograms against the Jows in 1938, and I didn't for instance, interrupt that support after that period. During my trip to the Scandanavian countries in 1933 I visited the Swadish archbishop Eides in Stockholm and I succeeded later in having the Archbishop attempt to influence Hitler in the Jewish question and in the church questions. Through friends in the Foreign Office, people from the old school, I succeeded, against the will and behind the back of the Propaganda Ministry, in arranging this visit in May 1934. At that time I was convinced that it should be possible that the Archbishop Eidem should influence Hitler to stop the forced measures against the Jews and against the church. I want to mention one last point. In 1962 at the occasion of a consecration of priests in Borous, at the request of Bishop Youngrin, I spoke to a large circle of people where I made a comparison between the German and Swedish church conditions. I mentioned the depressing influence of the Corman church conditions and the clation which the Swedish Church had given me. That was a clear criticism of German Church conditions in an open speech.

- Q Did you work against the National Socialists in any other way?
- A Yes. I helped persons who were persecuted by the National Socialist government.
- Q Can you please indicate to me quite briefly, Dr. Ilgner, because we want to leave this subject now, can you give me a few examples?

a Especially during the war there are a large number of people. I ment to mention only two significant examples. When Hitler wanted to occupy the left bank of the Rhine, the German Counsel of Legations, Dr. Forstor at the time, who was Charge diaffairs at the time, advised him against this action because he said it would mean wer. The generals supported Mr. Forster to tell that to Hitler. Mr. Forster was courageous enough to tell him. But he wasn't right. The French didn't do anything, and Forster was fired. Hitler called him the Ambassador with the mind of a professor. I heard that he actually hated him. But ambassador Ritter asked me to help him and I did so. He saked me to give him a job. I engaged him in the "VOLI". He was very sick. He suffered a breakdown but I sent him to the sanitorium and I lot him remain with us until the cod. The second case is the Ambaesador von Hassel. In 1937 Ambaesador von Hassel was dismissed. He was Ribbentrop's personal enemy. He turned to Herr von Milmowski, the president of the Centrel European Economic Council and Mr. von Schnitzler. Schnitzler discussed this with me and said, "We can hardly employ such a spn in Frenkfurt. We cen't do that in our sales department." But I took this matter over and talked to Mr. von Hassel and then to dimowski. I myself was the vice-chairman of the Central Euror poen Economic Council. Herr Wilmowski made certain deliberations boccuse the Gentral European Economic Council was seriously attacked by the Forty. He thought that perhaps we might expose ourselves too much. For that reason I talked to Botschafter Ritter who in turn telked to Sceretary Weigsaccker in order to get a certain amount of backing. We then simply employed him - that is to say, I gave him a contract, appointed him to be an associate of Berlin MJ-7 with a decent salary and we paid him that salary even while he was in prison until he was hanged in connection with the 20th of July 1944. As is well known Mr. von Hessel was to become the Foreign Minister of the Goerdeler government. We have certain documents about this and therefore

I can forego treating this in detail. At the end again I merely want to give a few names without explaining who they are because perhaps we shall come tack to one or the other. Von Hornborstel, an austrian; General Gauthier; Colonel von Gerstorff - people who were dismissed in connection with the 20th of July affair - the Norwegian General Jarne Eriksen of the Norsk-Hydro; Meyer-Renneft, that is a Dutchman who was the vice-chairman of the Council of India; Baviere, a Frenchman; Otto Falkenberg from Oslo; Mr. Kep; dillibald Passarge; Bianchi; General Kleschke from the Witropa. Perhaps I have given you enough names.

Q Yes, it's quite sufficient. May I ask you to tell me briefly about the political attitude of those persons whom you had chosen for your closest collaborators and associates? Especially their attitude towards Netional Socialism.

A Dr. Math, you sak quite correctly the sam cistes that I myself selected. That was the way I handled it. My closest associates, without exception, were anti-Nazis, or at least they were very sceptic. Apart from Krueger, who had to join the Party in 1944 because he became Dr. Oster's successor as Plant Leader of the nitrogen syndicate, apart from this man none of my close associates was a member of the Party. From among my personal assistants, from the beginning to the end - that is to say all the time that I had any assistants at all, from 1929 to 1945, none of them, not a single one was a Party member, but even in the case of Krueger it is well known that he was an opponent of National Socialism.

2 Dr. Ilgner, you swore out an affidavit, Exhibit 512, in Book 17, English page 41, German page 78. This affidavit deals with the public offices held by leading Farben people. Is there any connection between the contents of what you said just now and the contents of that affidavit?

A Yes, we shall deal later with the changes undertaken in the affidavits. But I want to say now that it was quite clear that an enterprise

so was Forban for their own interest alone could not evade such functions and wasn't permitted to evade such functions. On the other hand, Farban, in their capacity as a big concern, paragraph 13 of the Farty program, was rejected. Certain candidates were rejected because simply they were Farban men. I myself experienced that personally. When appointments were made, in the most cases it was impossible, without andangering the firm, to hold aloof from such positions. That would have been a big mistake. That, of course, applies particularly to the time of war. In that connection I mention a speech of the chairman of our large friendly competitor enterprise in England, Lord Hagown, the Chairman of the I.C.I., who gave a speech towards the and of the war in the Glasgow Chamber of Commerce. In this speech he pointed out that the I.C.I. had made available to the state 2,500 members of the senior staff and three members of the board of directors.

I Another point, ir. Higher. On the last page of the trial brief, on page 106, the following subject is treated, and I am going to tell you about it briefly. I quote: "In view of the ever increasing retards for the firm and for their leaders." I ask you now, how did your income develop with Perben since 1933 and especially from the time since the beginning of the war.

That is to say in my capacity as a deputy member of the Vorstand I get the same salary, approximately, that I received as a deputy director - that is to say the legal position of a producist. I would have preferred not discussing these salary questions from this place. They weren't so important to me. But I am again compelled by the prosecution because they charge us with greed for money - that that was a reason why we undertook our positions.

16 March 11 - - - - - - 24-1-Primeeu (Katz) Court 6, Cass d . Dr. Higher, very well; you are thate right but we make to be as brill a possible. .. h. t course did the development take ofter 1931; ... as I livedy stated, the difference between the regul r Vorstand member in somety member was eliminated and that caused in anchese of 10% in my s.l.ry in 1939. ?. That the the amount of your a life ouring the wir? ... During the air the income didn't increase toll. The income of the Verstond ... obers was not changed during the entire per so that in 1945 I h. C. roxin tely 10; sore th n I h. d in 1952 but I don't know. ex ctly who it is very definite. . h. t is the fin nei I result of your 20 years octivity for Firben? A. The result of 20 years of my leading cetivity in Farben is that I have no reporty but I have a deficit because of the wir. . That is distressing, ir. Hener. Can you tell me unto briefly how the other copie of Ferbon fored in this connection? n. I believe that very any of a collegues of the Vorstend f rod similarly, especially those of sime is and those younger than I. ione of us causand realth in Porben. However, . I of the non-Verstend ... wors, especially the section or lower employees, were such better off. Wheir soluries the constantly increased, including the wer years, even if to hid considerable difficulties with the authorities. Movertheless, they were iners sed. . . c.n not le ve this subject me I t.nt to discuss something else with you, who construction of the W./7 organization until 1913. From the Prosecution's statements it can be seen that the WI/7 organiz tion was erested assentially after 1933. That was the status of the Mi/7 organization at the end of 1932? a. The construction of the Berlin I /7 organization had been essentially finished at the end of 1932 principly. Everything that was added later was really nothing new but only in expension, a quantit tive expension c used by the developments.

. ht developments do you men?

a. I mill give you a quite brief answer. In 1929 there was a world consente depression and capacitally an economic crisis in Gormany; in 1931 the coll year of the austrata Credits association, the Gorman bank orash, the dovaluation of the pound and the starling block, the difficulties of treasfur in wouthcastern surope; and the consequences were that the foresign exchange was controlled, that compensation business arose. That was the first beginnings of the export proportion in Germany, the beginning of the liber procurement, the introduction of taxation coupons. That was in 1931.

In 15.3: the devolution of the United States dollar, the beginning of the state-controlled economy.

In 1936 — now we are in 1936; the deviluation of the French france, the terinance of planned economy; and in 1939, finally, the beginning of the country and compulsory economy.

There are the relations, the conditions and the developments.

- the Berlin /7 organization?
- If the solution was an auxiliary organization, first of all, to explicit the sales combines of Farben. This assisting function was to be unverticed in the fields of financial economic trade, political, the newspapers and similar fields. It is note obvious that this particular function of assistance to be rendered use due to the orisis measures of the povernient. That is the controlled economy, the forced economy and the particular sore in that is to say, that this particular work increased. It became fore complicated. It took more that and work and the achieve had to be enlarged accordingly and the office expenses increased considerably: it is true, longway, not in the proportion stated in the Proportion document exhibit BAA.
- . I believe, Dr. Ilgner, that you have clarified that. I now turn to a new subject, the military economic leader. In the trial brief on page 92, one of the alleged public offices is supposed to be the military

economic leader, as the Prosecution contents. I suote:

"The Deich Minister of Gar had ordered the activation of a corps of military economic leaders as of now."

Did, a fir as you know, such a leader corps ever exist?

- w No.
- 7. "her did you become military economic leader and upon whose instigation or suggestion?
 - a. In .ugust 1938 at the suggestion of Ceneral Thomas.
- To Did you at any time perform any services as military economic leader? are you ever given any missions by military or civilian agencies furing pooce or var?
 - at To, never.
- leaders in mistance?
- mes a military economic leader but I mas never officially informed that such a corps of leaders existed and I was never respected to fulfill any mission in that connection.

Secondly, during the var I set many pentlemen who were sills my economic lenders and we discussed this title. None of these ever told second a corps of military economic leaders.

Thirdly, during my imprisonment in the transberg Comp I took the trouble to the a sort of in miry along the people interned there. There were approximately 20 or 30. I canted to find out the had appointed each individual a military economic leader and none of them had ever heard anything about a corps of military economic leaders.

From that the fourth reason prises and that is the fact that there were various types of military economic leaders and that various encies in Germany, makely 3 or 4, appointed such people and that relutes the assumption that a uniform corps of military economic leaders emisted which, similarly to the remark's staff corps, and have been a centrally directed agency.

- . h.t , in your opinion, was a military economic leader?
- a. This has been related repeatedly here. It was only a bitle.

 It was a title that was given a military appearance, just as the B. varian Kommersiannut during the 'einer Republic.
- and the referred particularly to the businessmen; that is, the sales combines and the commercial agencies. ...ongst others this was handled by ML/ and ay office was mainly responsible for general questions. That was done by the lips.
- . Or. Higher, I now also call this by the technical terminology, "A "meation"; but please tell me what that means.
- know what it means. We know just that it meant something to do not military but we didn't discuss it. Everybody knows what is meant by "Margaretion."
- tell he with one word what was understood by this expression a Lr as your knowledge goes?
- essentially the preparation of the lists of all those 'K' and 'L' employess that here to be deferred in case of the parter and all other organizations to be 1 with chemical things.
 - 1. .. t those suggestion did Farben prepare such a list?
 - . The leich limistry of Economics.
- . Do you know when these orders were given by the Reich limistry of Economics?
- re-introduction of general military service, approximately at the end of 1937.

9276

15 March-1-FI-25-I-Schnab (Int. Kata) Court No. VI, Case VI

One In a document submitted by the Prosecution there is some statement about a letter written jointly by you and ir, you Schnitzler. This latter is supposed to deal with the "In" question and the Reich Ministry of Economics, and a few other agencies are mentioned in this letter. Apart from that, a number of other functions are described besides getting people deferred, that is, having them classified as essential. Please explain that letter.

A.- That is quite correct. Originally the Reich Einistry of Economics desired to have a number of other questions answered already, so to speak, in advance especially in the fields of imports and exports. However, that was only theoretical and was therefore left out, for it one does not know with whom one is supposed to be at mar at a certain time, one cannot say from where one should import one's goods and to what countries one is to export one's goods. And therefore only the question of deferment was included in the letter.

Q.- In the letter, however, the contact of the MFO and the Vermitthungsatelle W about "i" questions are discussed. To what did this contact refer?

A.- The "II" question, the question of deferment, the firm's treatment of employees that were drafted by the Army. The "IFO dealt with the
businessmen; the Ver ittlumgestelle W dealt with the technical men. But,
after all, we were one firm and one couldn't treat certain people one may
and other people differently. Therefore, the same uniform principles had
to be introduced, and for that reason it was considered necessary to vote
on this matter. Thether this vote actually was carried out, I don't know.
Therefore, I am not competent to answer this question.

C .- Were there any other points of contact with Vermittlungsstelle W?

A.- No, since Vermittlungsstelle W existed exclusively for dealing wittechnical affairs and the businessmen had to use the WIFO for their contact with the authorities unless they maintained that contact directly.

16 March-M-FL-25-2-Scheeb (Int. Katz)
Court No.VI, Gase VI

q.- Dr. Ilgnor, I will now come to a new subject, that is, the promotion of exports. As I have already announced to the Tribunal, Dr. Ilener is going to treat this subject a little more in detail.

The Prosecution, on page 57 of the trial brief, contended that the promotion of export was undertaken for the proparation of a var of aggression.

Are you an expert for this subject? Did you personally have to deal with this problem?

A .- I do believe that I am expert for this field, but I certainly did have very much to do with this subject.

Q .- At what time was the presention of experts introduced?

A.- It is difficult to give you the exact date. Leasures for the promotion of exports already began in Prence, for instance, in 1928, and also in other European countries. In Germany, it began in 1931.

Q.- What were the underlying motives for the promotion of exports in:
Germany? Dr. Ilgner, I had not yet quite finished my question. Planse,
lirst of all, describe the underlying reasons for the introduction in Gormany, and then give the actual gauses for this introduction.

A.- I shall give my answer very briefly, in telegrom style, because the same factors determine this introduction as determine the increase of the Borlin NW 7 machinery.

The depression since 1929; the crash of the Austrian Credit Corporation in 1931; the deduction of three billion in Foreign gold currency by England in hardly two months in the summer of 1931 from Germany; the crash of the German banks which resulted in consequence; and the devaluation of the English pound in the autumn of 1931 which resulted as a consequence; and in connection therewith the devaluation of the sterling blowin the two following years; the devaluations, in other words of the currencies that were connected with the sterling itself. In the spring of 133 the devaluation of the U.S. dollar; and in 1936 the devaluation of the French franc. Then again in consequence the Ottawa Agreement, the practical

16 Paroh-J-FL-75-3-Schreck (Int. Ketz)
Count No. VI, Casa VI

deviation of England from the "most favored nation" clause; the real agreements with Ottems and the Scandinavian countries in 1931; the introduction of foreign exchange in Gormany in 1931, and the beginning of serious difficulties of export.

Those were the underlying motives. And the actual cases was the freezing of export profits in southenessern Europe, where the crimis was fult
first of all and most seriously.

IR. LaIM (Counsel for the defendent Hignor): Hr. Promident, it is pointed our to me that where has been a mistake. Dr. Higner said: "The removal of approximately three billion..., " and I believe it was trans-lated as three billion.

WITEESS: Three thousend million fold foreign exhibity. ...
BY DR. MATH:

O- Or. Ilpur, how did Ferbon most those souls difficulties that cross in regard to account in southeastern Europe?

A. Again only the essential, the most essential. In 1991 and 1932 there was an authors of intensified imports from conthemstern through in order to make the freeze expect profits there. And as far as there may not sufficient expert goods in southeastern Europe, those productions in southeastern Europe by Germany that Germany meeted. This cultivation of says being, the construction of lard freezeries, and so on. All that was done at the amongs of those countries whose foreign trade with Germany was active at the time, and that included the United States.

From 1931 of Corming could afford only to buy where she herself could sell because we didn't have any foreign exchange. That was the result of the world depression and the Corman scenamic crisis that began in 1919 really. This emergency in which Corman expert found itself since 1931, that is to say, this chronic scarcity of foreign exchange is very important too and that affected in subsequent years, even after 135, not only the German expert policy, but also the German demostic policy. The authreby efforts

16 Harch-1-F1-25-4-Schwab (Int. Ketz)
Court To. VI, Case VI

and controlled occases were only thinkable on the basis of this foreign exchange situation.

Q .- Did the restrictions of German exports remain limited to the southeastern area?

a.- No, by no means. Gradually they sgread to all countries almost of the world. The German experts decreased in an alarming meaner.

In toports, busides the one you have mentioned already?

A.- The close consequences of the devaluation is the other scientries, the German demostic prices generally exceeded the world market prices. The devaluation of the point, the storing bloc, the delice made therealway folt mare and more.

O. - You said just now that the Bornen export was identicated aluming-

A.- Tes, the incoming foreign exabengs was reduced at the very mesent when 5.5 million people were again given work who all could afford to buy bottor clothes, who could not more, which meant that the meed for foreign exchange to buy food increased, and at the same time because of the reastruction of industry, that made itself full generally, which began from 1933 on actually, and therefore the requirements for fereign exchange for imports of raw material increased. At the same time the demostic born in Germany, which was created by the procurement of work, resulted in the fact that many firms and industries considered it were interesting to sell to the demostic market in Germany rather than producing for the expert forther described by the procurement of work and the exact the demostic market in Germany rather than producing for the expert forther described by the demostic market in Germany rather than producing for the expert forther than because for the expert forther.

16 War A8-1-A7-26-1-Goylord-Fetz Court 6 Case 6 the what consequences did the Corrent Covernment draw from this over-intro-singly difficult export situation and from the surious throat to Comman papert? L. The consequences three taken up beletedly. First of tall, the Frity fide't have any opinion on exports. The se-called additional export was bointedly introduced by decree of the Gummen Rain Gevernment. That was, so to spork, the cofficial introduction of the promotion of export in Commany in 1935. The what was the odditional expert orrangement? A. This so called I V, so no went to call it now, whe ca arrangament whoreby the German expert husiness was part the difference between the Cormon describes matter price of the profits four expense that it would have derived from expense from an efficial fund. This entrance in a second to succeed to the contract of the contrac proportion of the develoption of the countries to thich theme goods were egations or this compositive engineering posterior with a communitary . HE THE LIE THAT CHEST WIND I I FRANCE IN HE WAS the stant more but At The funds of this eclipters many unlead by a practice of the demostic turbower in Commany by Industry. 2. Its this procurated of funds by the Courts industry YOU WITTERY! An fruite on the contempy private enterprise had sorious misgivings, and especially Forban of first summed severally against this procedure ordered by the state. Q. My were aften so sarongly opposed to this procedure? L. For various reasons. First, because they had to pay a gigantle sum, even gigantic for Farban, as "Fond Pardu" - as lost funds, moreover, Farcon was an enterprise which and much exports, and an our opinion should not have been called in for the procurement of this fund at all. This was illegical, completely illegical. For the rest, Farbon 9281

16 Mar 48-4-47-26-2 Saylord-Kata Court 6 Crss 6 hald the opinion that they could export their own goods and that they didn't need any subsidy for that purpose that they had to pry thouselves enyhow. Q. You said just non, Dr. Higner, that Farbon had to pay a gigantic enount of money. How was that done? in First of all, the economic group chamistry are given the tack of paying 160 million Roickmarks - an unusual sum, -for long negotiations by the seconomic group, this amount was finally reduced to 115 millions. From this tempert, Forton was to pay approximately 55 er 60 millions amuelly, every year, we were to pay this every year and we did pay this recent overy year. Q. And what was the subsequent course of events? is Coholaret Schritz and I one day more called to the Reich Ministry of Economics there awary one-sided conversation took place. Mr. Brindrynn, later the Sperutary of State, the than chief of the export deportment of the Reich Ministry of Economics, explained to us that -- I don't know this exactly my more -- if I remember correctly, Farbon had to pay 55 million cannually, and as I have said proviously, ns a "Fond Perdu" -- as a lost fund. It had to be paid to the official fund for the promotion of exports, Gahannat Schmitz tried to make objections because of this tromendous mount, but these objections were overruled very definitely: Que you able to reduce this a cunt at all? A. Yos and no: Mr. Brinckman finally said that he was prepared to make an alternative suggestion to farbon: either they were to pay 50 millions fixed rate as "Fond Fardu"; that is to say, without right of participating in the efficiel fund for the premetion of exports; or they should pay the original detended sum of 55 millions with the right of participating in this fund. But that right was granted to all-Q. What was Ferbon's attitude towards this alternative suggestion? A, Coheimrat Schmitz wented to be on the safe side and manted 9282

16 Mar 48-A-MJ-26-3-Gaylord-Ketz Court 6 Cosa 6

to pay 50 millions without right of participation in the fund. My colleagues of the sales department and I ware of the opinion that we should not wrive participation in this fund under any circumstances because so believed that by active participation in the general projection of export, Ferben would succeed in getting were than 5 million from this official kitty. Cohoinret Schmitz then also adopted our point of views.

- Quality was the practical course of events; that is to say, how such did Farben betwelly get back from this official kitty, as you call it, in the following years by metive participation in the promotion of exports?
- A. On the everage, of the five years, from '35, to '39, we get back approximately 30 million a year from this kitty by retive particl-pation in the premetion of exports. After all, the fact remained that Ferben nevertheless paid 20 million a year as a lost fund during all of these years. That again, in view of the first forben was an interprise with much export, was a rather high sum.
- Q. Did you personally devote much of your time to the question of a promotion of exports?
- i. Yus, absolutely. I held the opinion very definitely that Forben should participate in this kitty. For that reason, I feld a special obligation to help so that so should get book as much as possible of our payment of contribution.
 - % What did you netually do?
- a. I mill give you only a few of the stope that I took. First, creation of the department of promotion of exports in Berlin, No7 Engbon; secondly, my own trips for the premotion of exports undertaken to the Scandanavian countries, costorn asin. South "mories and the various European countries; thirdly, the inclusion of the ZEFI confidential agents, or Farbon limison man, in the export promotion program; fourthly, giving technical lectures about the promotion of export and drafting the export promotion manarcade submitted by the presecution.

16 Nor 48-1-17-26-4-Caylord-Kate
Court 9 Casa 6

- Q. Floore describe to the Tribunel the it was necessary to give lectures and the you desired this necessarian on the premotion of experts.
- A. The emport went through various phases in Gerenry, do had the incompaquent consequence. In the beginning, export was not popular. Than they discovered that expert was necessary; it was premoted. Then again to had the Four Your Plet and it ams said that up didn't mood it ony more at all; and finally so had to explain to the people that dospite the Four Year Flan to atial needed export, and then again it was supported; then is to say, especially efter the introduction of the Four Year Flor, and perticularly by Gouring, the opinion was held that export the no longer nacessary. What that meant for us who were Cualing with export economy, anybody can well immgine. I only munt to give a for figures how experts were distributed over Cornen firms. Forten's significance and the significance of a few other large firms for Compan export can be soon from the following figures. Only a few show it. Forbon constituted 10 per cent of all of Carman apport. The next largest was the Siemans Anterprise which constituted about 4 per cent. a few about 5 further expert enterprises, constituted 11 per cent, That mkos 25 pur cont - approximately one-fourth of all of Gurman exports. Twenty more firms again constitute 25 per cent, that makes 50% in all and 50 more firms again constituted approximately ensequenter of the Gorman exports, that is, approximately 70 to 50 firms constituted approximately three-quarters of the German exports, and the remaining one-quarter and appresented by apprendentally 70,000 firms. That whose the prederinance that Ferban had in the expert business and it also shows the worry that Farton had about maintaining German exports.

COURT VI CASE VI 16 Mar 46-27-1-A-ABH-Arminger (Kntz)

Q. Dr. Ilgner, Didn't the amount of export by Farben increase considerably as a result of export premotion during the year?

A. No. May I add something here? At the time we had these difficulties because of the introduction of the Four-Year Plan by Goering. The Reich Ministry of Recommiss and economy in general pointed out that without experts, the food stuffs and rem-materials necessary for the public would not suffice. We really had to save German experts. We had to safeguard German carticipation in the world market. The premation of experts became actually what it had been from the very beginning, a defense of experts and figures of Purbents experts show very clearly the correctness of the theory that I just now developed. Farbents experts, during the years from 1933 through 1939 prestically did not change at all. In 1933 it assumed to approximately ACO,000,000. Then it decreased to approximately 380,000,000, and by 1939 it rose sensethat above ACO,000,000 again. It mean't an expension, but only the defense of a position.

- Q. The presecution charges you in Part I of the Trial Brief on page 67 that "After your trip to South America, you suggested a program to the Masi officials that was approved by the Commercial Committee on the 20th of August 1937. The purpose of this program was the promotion of experts in execution of the Four-Year Plan." This is Presecution's Exhibit 762, in book 48 on page 45 of the English and page 52 of the German. That do you have to say about that?
- A. I believe that my statements up to this mement refute this erroneous assumption of the presention completely. The premotion of experts had existed, for 6 years when this memorandum of mine was drefted, the premotion of experts was already in existence and the purpose of this memorandum was quite different.
 - Q. Can you please explain the purpose in a few sentences?
- A. Yos. It was a two-fold intention that I had when I drafted this memorandum. The subsidiary intention was the tendency of defense of exports, that I already mentioned. At that time the Four-Year Flan was the big fashion in Germany. Everything that had anything to do with the

9285

Four-Year Flan found the interest of the official agencies and anything that had nothing to do with it was not given the attention of the official agencies. Thus, anything that was on one's mind was brought in connection with the Four-Year Flan, especially what one was especially concerned with.

Please, I hope the Tribunel will not consider no jocular if I mike a comparison. If the importor of covier manted to safeguard the importation of cavier at the time, he would have had to link up the significance somehow with the Pour-Year Plan. That was the way it was in Germany at the time and for that reason I made the addition in my memorandum, "within the framework of the Four-Year Plan." There were, of course, some factual connections of a trade-political mature, but that was the psychological reason, the submidiary reason.

- Q. What was the main reason why you drafted this momerandus on the promotion of experts?
- A. The main intentions connected therewith were business remone, resulting from current business. That was a critical opinion to be expressed about the German system of promoting experts. Because of the official introduction of the program for the promotion of experts in 1935, there were firms numberousing from the ground that dealt with the promotion of experts. An unfair competition began, which was detrimental to the esteem of the decent experting firms in the world and for wasted German minetance. The industry that suffered was that industry which really scriously promoted experts and to that belonged Ferbon.
 - O. What was the nature of your suggestions?
- A. If one looks at my emperature introduced by the prosecution, one can see that of the 30 pages, 10 pages deal with the criticism of an existing condition. 15 pages deal with the suggestion for the removal of existing abuses and any expert on expert trade and world trade will say the memorandum speaks for itself.
 - Q. But the prosecution interprets scatthing different from this

monormorm. On page 67 of the Trial Priof, First Part, the prosecution speaks of the extensive plan for the procurement of information. I That was to be included in the suggestions of your memorateur. In that connection, the presecution refers to Chapter W. Subsection I, J. and I quote, "The wrining of national young stock of Great breast," that can you say in that example then:

A. I read through the sections mentioned in the Trial Priof, but I must say fromkly that I do not know more the proportion manuar all of the paragraphs to I with the necessity of considering the matienal tendency and the condency for matienalization. Unst that has to do with the procusement of information, I do not know.

On page 58 of the Trial Brits' the prosecution mentions that from the personnel of it arrived abread one expected, he loyed attitude towards Germahy.* That you say that such an attitude is necessary. The prosecution furthermore suppositions that you made suggestions for the consecution and interesfication of German banks abroad and for the support of German Chambers of Commerce, of German cultural institutions and Forman newspapers served. Please, what do you have to say the trials.

A. I don't knew if I ame supposed to have made sugger law not be give any support to the German hemsempers abroad, to deel by one interest language courses for yound German businessmen abroad, to improve German interest ing German Chambers of commerce, then I should have need suggestions to the affect that German shorthers of commerce abroad more to be ignored, to the effect that no further rundings was in he or mescated with German banks abroad and to educate our personnal abroad to shoomet a disloyal attitude towards Germany?

THE PRESIDENT: Dr. Meth, Jew sorry. I have to engagement with some other judges in the adjoining most and I am already a little of a late. We will recess until temporrow morning at him chalcox

(The Tribunal adjourned until 17 March 1948 of 2500 hours.)

CERTIFICATE OF COLLISSIONER

I, JAMES G. AULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

Date	Hame of Witness	Official Transcript
19 December, 1947 15 December, 1947 15 December, 1947 17 December, 1947 17 December, 1947 9 January, 1948 9 January, 1948 17 January, 1948 17 January, 1948 17 January, 1948 26 February, 1948 26 February, 1948 27-28 February, 1948 27-28 February, 1948 16 March, 1948 17 March, 1948 17 March, 1948 17 March, 1948	Paul H. Haeni Karl Wolff Gustav Schlotterer Kurt Krugger Adolf Hoehle Willi Degne Karl Amend Alfred Zaun Perry Broad Josef Johan Frans Rottenberg Mosek Treister Rene Balandier Fritz Goernert Gerhard Ritter Heinrich Van Beek Dr. Charles Bendel	769 6- 7732 792 5- 7963 928 8- 9305 9305 - 9358

I further certify that the aforessid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Hurnberg, Germany, Larch 31, 1948.

JAMES G. MILROY

pumissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, in the matter of the United States of America against Marl Krauch, et al, defendents, sitting at Murnberg, Germany, on 16 March 1948, Commissioner James G. Mulroy, presiding.

THE MARSHAL: The Cosmission for Tribunal VI is now in session.

There will be order in the Courtroom.

THE COMMISSIONER: The Marshal may report as to the defendants present.

THE MARSHAL: May it please your Monor, the defendants Krauch, Ambros, and ter Meer are present in the Court.

THE COLLISSIONER: Very well. The record will show that this hearing is held in accordance with an order of Tribunal VI, in the case of the United States of America versus Carl Krauch, and others, and the order provides for the examination of witnesses who have prepared affidavits for the defense in that case.

Is there any defense counsel who represents all the defendants?

Is Dr. Mueller present? Doctor Mueller, you have received a notice of this hearing, served on you in behelf of all the defendants?

DR. MUELLER: Yes, sir.

THE COMMISSIONER: And proper notice has been given so all the defendants have been apprised of this hearing?

DR. MUELLER: Yes, sir.

THE COMMISSIONER: Thank you, Dr. Mueller.

Before the examination of witnesses commences, is there any other matter which either counsel for procedition or Defense wish to place upon the record? The Prosecution by call the first witness. It is the defense — I should say the Defense.

-iDE 3

DR. BOETTCHER; For the defendant Krauch: Mr. Commissioner, with your permission, may I call Dr. Fritz Coernert, who made out Krauch Exhibit 11h, as a witness?

THE COMMISSIONER: Will you state what book that is in, Dr. Bosttcher?

NR. BORTTCHER: This is in Posument Book VI for Krauch, Exhibit

THE COMMISSIONER: You may bring in the witness, please, Dr. Boettoher, is this witness German?

DR. BOETTCHER: Yes, a German witness.

THE COMMISSIONER: Thank you, Doctor.

FRITZ GOERMERT, a witness, took the stand and testified as follows:
THE COMMISSIONER: Witness, you will remain standing. Raise your
right hand, say, I pronounce your full name, and repeat after me:

I do solemnly swear that the testimony which I am about to give shall be the truth, the whole truth, and nothing but the truth.

(The witness repeated the oath.)

THE COMMISSIONER: Wilness, I find that I have not given you the correct German cath. I will, therefore, repeat it. Raise your hand, pronounce your name, and repeat after me:

I swear by Cod, the Almighty and Omniscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the eath.)

THE CONSISSIONER: You may be seated, Mr. Witness, in giving your testimony, you are instructed that you may testify fully and freely in answer to all questions asked you. But you are requested to make your replies as brief as possible. There is a system of lights here by which your testimony may be regulated. When the yellow light flashes, you are preceeding too rapidly, and when the red light flashes, then you should come to a stop until you are directed to continue.

16 Mar 48-A-FjC-14-2-Mushnell (Los) Case VI Commission BY DR. BODTTCHER: cord?

DIFECT EXAMINATION

- Q Dr. Goernert, please give your present residence for the re-
 - A Karlaruhe, in Baden, Parkstrasse 38.
- Q Witness, you have made out an affidavit for the defendant, Dr. Mrauch, dated 1 January, 1946, which bears the number Krauch 104, which is in document book VI for Krauch, Exhibit No. 11h, German page 39. Witness, I discussed this affidavit with you yesterday, and during this disoussion, some supplementary questions were mentioned -- about five of them - and I would like to ask these before making this witness available for cross examination.

THE COMMISSIONER: You may proceed, Dr. Boettcher. BY DR. BUNTCHER:

- Q What military rank did you have; witness, in the staff of Goering?
- A At the outbreak of the war I was drafted into the Air Force. Since I was an engineer and was useful for technical employment, I received the rank of a Ministerialrat of the Air Force, which corresponds to the rank of a Colonel.
- Q Thank you. In your affidavit you call yourself Doctor of Engineering Coernert. Would you please tell us your training for this doctorate?
- A I completed my academic training. It was completed with the Engineers: examination, and because of my special technical interest, I was active in a university in a technical school, and beyond that I acquired the degree of Doctor of Engineering.

? Thank you. In your effidavit of 1 January 1948 you speak of a controversy between Himmler and Krauch in a very definite connection. Could you tell us something about the specific cause beyond that mentioned in your affidavit and can you give us facts which show the general — the controversy between Himmler and Krauch?

A Yes, I can do that.

Q Dr. Guernert, if you will wait one minute between my question and the answer it would be easier.

Would you please give us these facts very briefly? And would you also give us the reasons for this general tension?

A The reasons for the general tension were that on the one hand there was the brutal, ruthless ambition for power of Himmler, in the SS respect, and on the other hand the quiet, purely scientific interest and work of Professor Krauch.

Q Do you know that there were efforts to give Dr. Krauch - or, rather, hand over to Dr. Krauch the order given by Goering to reorganize the Reich Research Office?

- A Yes, I know them.
- Q What was Goering's attitude towards these efforts?
- A Goering rejected these efforts clearly.
 - Q Please tell us brie fly the reasons why Goering rejected this.

As far as Goering is concerned --- Or, rather, for Goering Coering - I mean, Krauch wasn't an important, a very respected research man, but he was not the all encompassing expert to reorganize this whole research field. And to me personally, because I was very much interested in this field, once I told Goering that Professor Krauch was actually the proper man to handle this and then he told me he was a very smart man but he was a professor and so couldn't use him for that purpose; he lacked the necessary initiative and experience the activity in the sense of Mational Socialism where everything had to be done with a great gesture. Furthermore, it might be interesting to note that at that time certainly Goering did not permit himself to expose this man, Professor Krauch,

because he pursued this field of research, and Goering, on the other hand, in those years was already declining in position, whereas these other people were more important and Goering therefore would not permit himself to expose himself to difficulties by this action.

- Q One other question about this. You mpoke of those years. Will you approximately give us the date?
 - A These were the years after 1941.
- Q This is the concluding question. When did you get to know Professor Krauch?
- A That probably was on the occasion of his visite to Goering.

 I would say about the year 1938, but I can't give you that definitely.
- Q Do you know just superficially how often Krauch and Goering met?
- A Professor Erauch and Goering might have met twice or three times at the most during a year. During the war I can judge this particularly well because, practically speaking, all conferences took place in the special train.
- Q And this leads me to my concluding question. According to
 your answer, is it correct when the Prosecution, according to its Trial
 Brisf, designates Professor Krauch as the right hand of Goering?
- A This is doubtlessly incorrect. It could have never been that
 - Q Will you please give reasons for that, briefly?
- A Those men whom one would have to designate as the right hands of Goering would at least have been in close contact with him. They would have had to have met him for many conferences or at least Goering must have corresponded with these men frequently. All this is not true in the case of Professor Krauch, because if he had met with Goering during the war when this only could take place in the special train, then this would certainly have come to my attention because I would have had to see Professor Krauch.

Q In other words, you are of the opinion that the designation "right hand of Goering" is too much of an exaggerated and much, to much of an intimate relationship?

A Yes, absolutely. At best, it might mean that perhaps in the field of chemical questions he was a n advisor of Goering, but one could not designate that with "right hand."

DP. BOETTCHER: I have no further questions, Mr. Commissioner.

THE COMMISSIONER: The witness is with the Prosecution.

CROSS EXALIBITION

DR. FRITZ GUERNERT

BY MR. MINSKOFF:

- Q Dr. Guernert, how long did you work with Hermann Goering?
- A Since the beginning of 1937. I was ordered to join his staff as an engineer and from that point on I organized his special train trips.
- Q And during the time you worked for him -- that's when you did your studying and took your examinations, isn't that right?
- A No. In 1927 I graduated, sort of graduated, and in 1928 and 129 I studied at the University of Heidelberg and later on in the Technical University in Karlsruhe, and in 1935 I passed my examination my state examination as a licensed engineer there. Then I made preliminary work on a doctor's thesis, and at the end of 1939 I completed this and I passed my examination in order to become a Dr. of Engineering.
- Q That is what I said. During the time you were working for Goering you received your doctor's degree in engineering?
- A Either I misunderstood this or there are some misunderstandings here to the effect that the giving of a degree to a condidate with the professional training must not be confused. My training ——
- Q lir. Witness, the only question —— The only question was directed to the very limited subject as to when you received your doctor(s
 degree and I asked you whether it was during the time you were working for
 Goering and I take it since 1939 is the year, the answer is yes. Did you
 understand that?

- A I understood that, yes. If I had been asked when I passed my doctor's examination I could have immediately said 1939. And that would have —
- Q I think that is the whole answer. Now, did you have personal differences with Goering during the time you worked for him?
- A No. Because I personally had no field of work which would have brought me into personal disputes with him. I had purely technical and organizational tasks and those were only in the field of transportation those which concerned him personally.
 - Q All right, now ---
- A and I merely had to carry out orders in a purely technical and organizational respect.
- Q How, do you recall when you were still in prison being interrogated about the hidden Goaring assets?
 - A Yes, I recall that. That was in Moosburg.
- Q That's right. Do you recall offering at that time to assist the person who was interrogeting you in finding those assets, which you though might be hidden —

Let me finish the question, please.

- A Yes, but perhaps not in the sense which -- in which it sounds now.
- Q Well, the only -- If there are any further questions, they can be asked again on redirect.
- Dr. BOETTCHER: I raise en objection against these questions altogether because they have nothing to do with the affidavit. Secondly, if the witness is asked about these matters, he should be permitted to finish and one should not interrupt him.

THE COIMISSIONER: Now, Dr. — Mr. Minskoff, what have you to say about the Defense' objection that it is not within the scope of the affidavit?

IR. MINSKOFF: At to — As to that objection, merely this: The questions were intended to show the credibility of the witness. If the same witness was the kind of person who offered to assist in finding what he may have found out through him own personal knowledge of Goering, that is a fact which relates to his own character and his own credibility. How, that line of questioning, if it please the Commissioner, has been completed with the witness's inswer "yes." I same ready to go on with another line of questioning.

THE COMMISSIONER: Well, that accounts for your not allowing the mitness to go further?

IR. MISKOFF: When he answered "yes," it was a complete answer as far a s I was concerned.

THE COMMISSIONER: Very well, you may go on.

THE WITHESS: I did not say "yos."

Q The record will show mint the answer was.

A I said, if one saked me the question out of the context and if one just merely asked the question, then it sounds differently then from what if it was asked in the context.

THE COLMISSIONER: Ur. Witness, Wr. Witness, whatever your answer was, it has gone into the recrod. If your counsel on redirect desires to clarify this matter, he will be — he will have an opportunity to do so.

You may proceed, Mr. Minskoff.

12. MINSKOFF: Thank you, sir.

Q Now you mentioned in the additional testimony you gave today that during the war this special train of Goering's was used for very many conferences and that a good bit of the business of meeting people, et cetera, would be conducted on this special train, is that right?

A Yes.

LE. MINSKOFF: At to — As to that objection, merely this: The questions were intended to show the credibility of the mitness. If the same witness was the kind of person who offered to assist in finding what he may have found out through his own personal Landedge of Gooring, that is a fact which relates to his own character and his own credibility. How, that line of questioning, if it please the Commissioner, has been completed with the mitness's answer "yes." I am ready to go on with another line of questioning.

THE COMMISSIONER: Well, that accounts for your not allowing the mitness to go further?

PR. HINSKOFF: Then he answered "yes," it was a complete answer as far a s I was concerned.

THE COMMISSIONER: Very well, you may go on.

THE WITHESS: I d'd not say "yes."

Q The record will show what the snaper was.

A I said, if one asked me the question out of the context and if one just morely asked the question, then it sounds differently then from what if it was asked in the context.

THE COMMISSIONER: Mr. Witness, Mr. Witness, whatever your answer was, it has gone into the recrod. If your counsel on redirect desires to clarify this matter, he will be — he will have an opportunity to do so.

You may proceed, Mr. Minskoff.

IR. MINSKOFF: Thank you, sir.

Q New you mentioned in the additional testimony you gave today that during the war this special train of Goering's was used for very many conferences and that a good bit of the business of meeting people, et cetera, would be conducted on this special train, is that right?

A Yes.

- Q And that was true during all of the wer years, is that right?
- A That was not true anymore after the German reilroad net was destroyed. That was already in the year 1944. At that time the large special train was no longer used but more or less a one-car was used.
- affidavit that took place in 'bl. Do you recall when in 'bl it took place'
- A It is differ mt for me to say this because in the Spring of 1961and I know it was than -- it was in the boginning of 1941, we made many trips by apocial train practically every day! I had to scrutings this with the German Meion agencies on the basis of data and documents and I once made up a list of how many trips we made in a given ported of timebetween January up to the oth of April 1941. That amounted to more than twenty-five trips by special train, and one has to remember that these trips usually lasted more than fifteen hours of riding and one can then figure out how much we were on the read during that period of time and one should therefore be able to understand that I cannot give you the exact data when this was. I could say, but I must expressly state that I cannot remember exactly, that in my opinion it was on a trip which took us from Holland via Berlin to East Frussia. The trip during which we arrived in Berlin on the 12th and with only a brief stay in Earlin of a few hours, we continued to the East. It was customary in such class that conferences with Goering were handled in such a way that the gentlemen were saked to get into the train in Berlin and that they would got off again at a certain place, and the car was used then to take thum back.
- Q I'm not quite sure, because of the length of that answer, Just what period you are referring to. All these twenty-five trips -- is that all in the Spring of '/1? The trips that you mentioned?
- A They were from the beginning of January 1941 until the beginning of April 1941. Perhaps it might be interesting to say --

16 Mar.hC-A-GJ-16-2-Hasdorff-Court 6 bise 6

THE CONTESTINET: Hr. Witness, I think you have already assumered the question. Let Counsel develop other questions, please.

Q Now, worse you ordinarily the person on Goering's staff who would make arrangements for conferences and know the parson he speaks to on conferences and know he gets on the conference, or were there other persons on the staff who handled those things?

A line I don't know this at all, but these matters were matters for the adjutant, and the Adjutant's Office consisted of the Chi-d' Adjutant, a Colonel and four Adjutants in the rank of Lieutenant or Pirst Lieutenant, and they got the order from Georing to make up the dates and to look after the technical carrying out of the thing. But since I was the technical director of the special train I had to participate for a weal reasons. First of all, I had to be able to say when the succial train and where it would be, and secondly, when these people got an the train I had to take care of them while they were waiting. I had to accommodate them; I had to give them a compartment where they could drink or where they could work so, I did participate in this.

THE CAN ISSIGNER: Ar. Witness. Er. Witness, it is the desired of the Trabural that questions be enswered as briefly as possible, so I will ask you to listen carefully to Counsel's questions and then cover only the things about which you are asked.

Thank you. Je will hut shead botter that way.

Q For, do you recall in your previsous interrogation while you were still in Possburg being asked specifically who the persons were who saw Gooring regularly, who the persons were who conferred with him, and who the persons were who mot on his train? Do you recall being asked those questions?

A at the moment I don't.

You have been out of the Moosburg prison?

16 Mar. 16-A-0J-15-3-Hesdorf-Court 6 bise 6

A rardon me. Then I misunderstood the first question. I thought whether I remembered today a number of persons, as I answered —

Q To repeat the question will prohably save time. I said: Do
you remember when you were interrogated in Moosburg whether you work
specifically asked whether you know who conferred with Goaring, whom
he saw ut conferences on his train, who was at these various me tings with
him. Do you recall that sort of question being put to you at the time?

A Yes, I remember --

THE COMISSIONSA: Just a moment, Withuss.

DR. PITTHER: I would be gratuful if the connection with the facts which are treated in the affidevit were given.

id. ICNSKCTP: "f it please the Commissioner, the affidavit has been somewhat elaborated only by questions asked of this witness on direct examination. Among the questions that were put to him, and the answers were received was the relationship between Krauch and Goering and the meetings that Krauch had with Go ring and the witness was able to remember on direct examination just how many times Krauch did see Goering. It is quite portinent, it seems to the Prosecution, whether this witness's recollection had been refrushed since he was interrogated almost two way years ago.

THE COLUMN Now, as to this --

WITHASS DR. FRITA QUERNERT: Yes.

THE COMISSIONER: Just a moment, dr. Witness. Now, as to the objection, that, of course, has become a part of the record. Also a part of the record is your reply to the objection. I will ask you now to proceed with your examination.

LR. MINSKOFF: 's there an answer on the record? I don't think that I had the answer to that question.

The COMMISSIONSH: You were — You were staring a question and Dr. Bouttcher raised an objection. That has all gone into the record and now you will finish your question. Finish your question.

16 Mar. 18-4-FJ-16-1-Basdorff-Court b case 6 Q The question. The question was: Then you were interrogated in Moosburg whrun't you specifically asked to tell the interrogator, if you could, who had conferences with Go ring on his train, who spoke to him, the know him, how often? Woron't those questions put to you expressly in your (comination? Do you recall? A Tes, but I said at that time I was an absolutely impossible condition unysically and I was lying on the floor in boosburg, thin, and I lad no more memory about this and if one did treat me better ! would be very wied to ensur the question, but at the moment I had no memory I said that, too, when I was interrogated. THE USE ISSI WE A: You have enswered that question. Now, witness, weit for two most one. U Mer, on the particular trip that you have testified to in your affidavit -- the conversation you spoke about, was that a conversation in which you personally participated or did you just happen to overbear 3t? A It was a coincidence because the montlemen conversed about it in the dimer and I wise happened to be in the dimer. Q bid you participated in that conversation? A Do you ricall which of the two guntlemen who conducted that conversation gave the details as to what wanch's position was on lawor it Auschwitz? A Of a work care in Auschwitz, there was no discussion. They spoke of the construction of a Bunn plant at Auschwitz. Q Just a moment, once mor. to explain the question. It was apporrently adsunderstood. The question was: Do you recall which of the two persons who had that conversation gave the view as to what Mr. Branch's position was about labor? About the concentration camp labor to which You refer in your affidavit? A That was Minister Todt, because he told this to the State Secretary Syrup and told him that that was his opinion. 9299

- Can you recall at this point the language he used at that time?
- A. He told Syrup, I can't give you the words, but I can give you the sense— it was very clear. He told them that Professor Krauch as far as the opinion of the labor allocation the sense of the words was that Minister Tout made it clear to the State Secretary Syrup that Professor Krauch did represent his opinion about the allocation of local labor or of German experts or skilled workers and that his opinion was based on the fact that on the one hand he was opposed to Himmler's opinion of using concentration can, inmates because he considered this as an effort of Himmler to interfere in this business and Professor Krauch, as I said at the beginning, was a research man and was a Farben man and was much more interested in the other things.
 - Q. Thich nam do you recall presented Himmler's views?
- A. Himmler's opinions were not represented in this discussion but these two gentlemen among themselves serely and a preliminary discussion, so to speak, before they went to see Goering and Minister Took said what the situation was in order to bring about a decision. Doubtlessly this was the case with Himmler because Himmler went to see Goering very rarely and there probably was a telephone conversation between Goering and Himmler and they didn't know anything about it, but Himmler's opinions were not represented. It was a type of atmosphere which was discussed here.
- Q. Perhaps we misunderstood your affidavit. Under your affidavit you state specifically that Himmler's request to employ concentration camp inmates obviously served the purpose of securing the influences of the SS in this economic sector also. You began that sentence,
 "The two gentlemen mentioned give these views." Now, do you want to
 correct your present statement?
- A. No, I would like to explain that the concept, these two opposed opinions in the last sentence of my affidavit, these two opposed opinions represented those opinions of Krauch on the one hand and Himmler on the other hand and not those between Syrup and Todt.

- 7. The only question I put was intended to clicit a simple point. I am not interested at this point in finding out what conflict you think existed, but the conversation that you heard. Now were those two opinions both expressed in that conversation?
- A. They were not represented but they were morely described, discussed.
- Q. Which of the two persons mentioned and described Himmler's position? Do you recall that?
 - A. Yes, that was Minister Todt.
 - Q. Todt discussed both positions, isn't that right?
 - A. You.
- Q. Did he explain what influence the SS would obtain over the Bune plant if inmates were used as laborers in the construction of the plant?
- A. No, he morely described concrally speaking, that on the one hand there were efforts of the SS to interfere in this with the use of concentration camp labor, but this definite testimony was not at issue here.
- Q. Do you know of any way that Nimmler's influence would be increased over the Buna plant by the use of concentration camp inmates as laborers in the construction of the plant?
- A. Whether I know that? Well, I can imagine that because these men that were used were then taken care of and led and guarded and there was the necessity of an SS organization within the plant. Yes, I can imagine that.
- Q. That is in the construction; would that give them any benefit or any advantage in the plant when it was completed?
 - A. I cannot judge that. In this connection I do not know.

MR. MINSKOFF: No further questions.

THE COMMISSIONER: Is there any redirect?

DR. HOF ALAIN: Dr. Hoffman for Ambros. In reference to the last

two questions which the Prosecutor has asked, I would like to object as a precention for the record because I believe that the witness has testified about matters which he cannot say out of his own knowledge and which only express his assumptions and opinions. The decision will then be rendered by the Court, I imagine.

THE COMMISSIONER: That is correct, Dr. Hoffmann. Have you anything to say in connection with this objection it. Timekoff?

In. liveNOWF: Israly this, that I am glad the question came up quite that way. The entire affidivit represents as to the extent that it is relevant, just the hearsay of a repeated conversation of two persons neither of which were in the presence of anybody before this Court.

THE CONTESTIONER: Very well, the record will show the objection and the raply to it.

Is there redirect in this matter?

DR. BOETTCHER: Dr. Boettcher for Krauch.

REDIRECT EXAMPLETION

QUESTIONS BY DR. BOETTCHIR:

- Q. Dr. Goornert, in order to establish your creditbility, you were asked for your statements during your intermment detention about the hiding place of Gooring's art work and his treasures. The Presecutor cut off your request for an explanation and, therefore, I ask you briefly to describe the situation at that time.
- A. The matter was as follows: In Foosburg I was also asked about this subject matter. First of all I was asked whether I know anything that had to do with them. I was able to deny that and I was able to point out that I merely in the final week before the collapse had to furnish several freight cars for the German Meichebahn into which the art treasures of Goering were loaded and they went via Voldenstein near Mucroberg and were finally brought to Berchtesgaden. During this questioning I pointed out that all these objects d'art and all these pictures that in the staff there was a special man, an export, Dr.

Hofor, who was responsible for all those treesures and who had to sign for everything and that I, as I said, only in this case had to take care that those objects were loaded on a train because one was afraid that they would be destroyed in Berlin. I pointed out, at least as for as I remember today, that at the time immediately after the marching in of the Americans into Berchtesgaden that was in May, this man, director Nofer, took all those artistic objects and handed them to the Americans together with an index. But, there is still the following: it was also an isome that there was somewhat of a myst-rious trunk that wer supposed to have extisted with some transures inside. They always naked me reportedly about these things and I mirely been that derains when he was arrested by the 53 and when he was brought to a castle from Burchtusyaien took along one trunk of such matters and one could impine that such matters were in this trunk and it was always carried by one of als assistants. That such a trunk is somewhere around there and when one asked me the question whether I would perhaps be in a position to bestiry about this or to help to find these things I said at bost one could lock me up, lock me up - I amphasize that, in Burchtesgaden together with another man and then perhaps we could convorse about it because this gentleman was an art expert and he was the expert of Goaring for these matters and I ask that these things be seen in the context -

THE COMMISSION In: Dr. Bootteher, do you consider that the witness has answered your question by this time?

DR. BOZTTCHOR: Yos, sir; thank you.

THE CONCISSIONE: Wall you proceed.

- Q. Dr. Goernart, did you have any special interest in listening to the conversation between Syrup and Todit
- A. Yos, I was very much interested because my training and my profession show that I am interested in science and too nology and therefore, I especially list and to it.

THE COM ISSICI'M: I wish to intur-upt the witness again.

Dr. Boetteher, your questions are very much to the point and direct and I want to admenish the witness not to exceed the scope of the question. If Counsel asks you, did you have an interest then you should say, I had an interest, then he will say to you, what was your interest, then we will not get a great many answers that are not responsible to definite questions. We will get ahead faster that way and you will have an opportunity to tell your story too. Now, let go shead on that basis, please.

- The Gournart, did you later have anything to do with Ausemytiz at the order of Gouring ?
- A. I recall that one time and this was much later Gooring was not satisfied with the progress of the construction of the plant and therefore had something to do with it.

- Q. Did this concern a tologram to the Cantral Flamming Board?
 - A. Yes.
- "hich?

THE CO. _A.ICHI: Just a moment mitness.

IR. II.SHOFF: If it please the Court, I have no objection really to this now line of questioning being opened up, but, of course, Counsel will have to understand that if it is opened up as a new line and so far there is nothing in the record about later conversation with Gouring about Ausehwitz, if this new field is opened, it means more questions both ways.

THE CONTESTIONE: Dr. Boottcher, you understand that, don't your If you open up a field that has not been dealt with in the cross examination that the Counsel will have an opportunity to ask further questions on it and we will probably extend this inquiry beyond any reasonable length. You may proceed, Doctor.

DR. BOSTICHE: The reason for my question was the connecting interest of the witness or rether to show the interest of the witness the connecting interest of the witness in Auschwitz, but I shall withdraw the question.

A final question, Dr. Commert.

Q. Do you know whit is juried on the basis of the conversation between Todt and Syrup?

A. No, I don't book.

DR. BOSFICH R: Thank you.

THE COMMISSION R: Is there further redirect of this matheuss?

MR. LINSKOFF: No further exemination.

THE COMMISSION IN: The witness is excused. Will you bring in the next witness, ir. Rittor?

Fitness, you will remain standing, raise your right hand and pronounce your name.

THE TIMESS: Dr. Gorhard Ritter.

THE COLLESSION A: Repeat after mo, .

I swear by God the Almight and Conisciont that I will speak the pure truth and will withhold and add nothing.

(The witness reported the eath.)

The witness may be seated.

Mr. Witness, before we start the examination, you will please understand that you are perfectly free to testify fully in response to any questions that are ested you. However, it is the desire of the Tribunal that you make your answers brief and direct and evoid any unnecessary comment.

You suc before you two signal lights that are connected with our sound system. The yellow one indicates that you are speaking too fast. The rod one when you see that, indicates that you should stop until you are notified to proceed furth r. If you will bear those things in mind, it will expedite the hearing of your testimony.

Hes the Defense any direct on this witness?

DR. BOETTCHIE: Mr. Commissioner, I would like to tell the witness Very briefly which afficivits are to be discussed with him so that this appears in the record.

THE COMMISSIONS: Yes, go ahead, Doctor.

DR. BONTCHER: .my additional questions I don't have to ask this witness.

THE CONTESTO'T: Do I understand, Dr. Bootteher that you are not going to ask for any additional facts in connection with those offidewite?

DR. BOLTICHER: No, I do not have that intention.

THE COLLECTION A: Very well, indicate the affidavits then on who

DR. BOETTCHER: Dr. Ritter, the Defense of Dr. Krauch has introduce a number of affidavits much have been submitted by you or made out by you. They are contained in Krauch Document Book No. I, in Krauch No. 15, Exhibit Krauch No. 12. Furthermore in document No. I, Krauch document

No. 82, Krauch Exhibit No. 18, prgo 79 of the German document book.

Furthermore, Krauch Document Book No. II, Krauch No. 76, Exhibit No. 37, page 50. Krauch Document Book No. 6, Krauch Document No. 81, Exhibit No. 115, page 41 of the Document Book and finally Document Book No. 6, Krauch No. 9, Exhibit No. 119, 230 47 of the Document Book.

I have no further questions at this time.

THE CONTACT The witness is with the Prosecution.

IR. AMCHAIL: There is just one more affidavit involed which counsel forget to mention for the record and he is searching for it.

97. ROSTTCYS: Yos, there is a sixth officivit which is in Volumo 6, Krauch No. 9, Prouch Exhibit 110, page 47.

THE COLITERING: You may procued, ir. inchan.

IR. JERAN: IRy I suggest, if Your Monor please, since we are so near recess time that it might be sivisable to take our recess before communcing with out cross exemination.

THE COMMISSION IR: I think that is a good idea. This hearing will be in recess for fifteen minutes.

(A rocoss was taken).

6 Do 10-20-1-A-ASS-Perrin (Declor)

THE LARSHAL: The Convission is again in session.

THE COLLISSIONER: The unthess is ready for the Prosecution. ir. Anchen, I am not clear as to minther or not we have sworn the witness, the has been shorn, isn't that correct?

THE CON ISSIDER: Very well, you may proceed.

CROSS TRUE THATTON

OF CR. MUCHANI

9. Now, Dr. Ritter, you joined Brauch's office of Raw Laterials and Synthetics in May of 1936, is that right?

A. Yos.

THE COLLISIONER: Mr. Archar, may I interrupt a noment. That

i.R. AlCial: There are three affidavit of the subject matter generally devoted in the affidavite that I will be directing my abtention to. I think the one that Your Monor light keep before you would be in Grauch Eack Number 2, Document 76, which is Exhibit Krauch 37.

ME COLLANDINER: What in the page?

IR. ACKAN: I un really sorry, I haven't got the page.

THE CALLESTONER: Is that page 50? 37, or did you say 36?

IR. ACKAN: 37, Krouch Document 76.

THE COMPLISSIONER: I have it, iir. Aschun.

intend to interrogate him, and I might also say to Your Honor that three of the effidavity relate to slave labor, and him Himskoff will continue the cross examination on the latter three affidavity mentioned by Dr. Soetteher.

HY LR. ALCHAH:

- Q. Now, Dr. Ritter, you were the technical assistant to Krauch in the Office of Raw Materials and Synthetics and in the succeeding offices which Dr. Krauch held right through 1935, is that correct?
 - A. Yes, that is truc.

- i. Not, prior to that time, you were with IS Farben, were you not?
- A. Yos, since 1924 I a. sorry, 1926.
- Is it not a fact, Dr. Ritter, that as Plenipotentiary-General
 for special questions before Dr. Krauch undertook discussions with the
 German charlest firms he hald preliminary discussions with the IG Farben
 exports, is that correct?
- A. Yes, I think that is true; at least, when it concorned questions which referred to a special field of Farben, for instance, if it referred to a synthetic rest material or hand, or sorothing like that.
- Q. And is it not a fact, Dr. Mitter, that in these proliminary discussions Krauch asked IG Ferban Sether it was interested in the execution of a particular project or whether another firm should be entimated with it, is that correct?
- A. As far as a proper field of work of the Farbon industry was sensormed, that would knye been the came; but it wouldn't be the case where other firms were concerned.
- 7. Is it not a fact, Dr. Rittor, that in the Krauch office as
 Floripotentiary for special emestions in chemistry, IG Farbon had a
 First option in its own specialized sectors that case within the FourYear-Flor, is that right?
- A. I would affirm that if it refers to the special fields of Farben, but that also holds true for other firms which asked with respect to their fields of bork thather that were propored to commence a new expansion of their plants or their expansity.
- Furbon had a first option in the projects under the Four-Year-Flan which case under the jurisdiction of Dr. Krouch?
- A. I would say that the question was first put to Farbon because Farbon was this organization which had supplied the mental basis for the process and since they were the only ones who were in a position to develop any process. In the case of the fuel field, however, it was different. There Farbon say lied the process, but afterwards participated

to only a very such a catant in the exemsion of the minoral projects.

The source of the state of the project of that state of the state of t

DR. BUSTTCHER: And officerate are you referring to? I don't imous

THE GUILISSICHER: Dr. Bootbaker, are you emiling an objection to

By. BOETTO ER: You.

FIE COLLISSIONER: 7511 you change Dr. Bootteher's objection Nr.

in. Amilia: I might state that the question is directed on to whether he recalls having ands such a statement, and depending on that answer it may ar may not be necessary to show him the affidavit to refresh his recollection. The question now is just does no recall.

DR. BUSTICKER: Counsel for the Prosecution has referred expressly to one affidavit; on affidavit can only be used for evidential purposes if it is in evidence here so as to afford the Defense an opportunity to prose-examine the tatmoss on the subject of this affidavit. I object to this type of question and possider it to be inadmissible.

of the question. The question as put is not directed to the contents of any particular document that has been effered. It is a question directed to the witness whether he recalls having made a statement and until an ensure is made, I think any question or any objection directed to a particular document is premature.

THE COLLISSICHER: The objection is made a part of the record.

Counsel on both sides have argued the matter, and the witness may now easwer the question briefly.

9310

COURT VI CASE VI 16 Mar 48-20-4-A-AM-Perrin (Appler) J. Les Isi A. A four months ago a question to that effect was put to me which I answered.

BY LR. AUCHAN:

- Q. Do I understand your answer to be, Dr. Ritter, that the statement which I quoted in my last question was made by you, and you recall having ando such a statement in an afficavit, is that your answer?
 - A. Yos, I rommibor that. Yes, I do.
- Q. Now, Dr. Ritter, when you were in the Krauch Office of the Plonipotentiary-General for special questions - and I am talking about the period prior to September 1, 1939 - is it not a fact that Production Plan Number 63 was in effect, that is, the High Command plan to provide the necessary facilities and munitions to equip an army of 63 divisions on a war footing, is that a fact?
- A. The concept of Production Plan 63 is not lesem to me. That are you referring to?
- Q. Did you know then you were in the office of the Floripotentiary General of Production Plan 63?
- A. I know a so-called FF final aim, but as to 63 -- yes, I do remember. I think the Army Ordnance Office laid down a plan like that for gun powder production.
- Q. And was that the plan that your office, or Krauch's office, prior to Soptomber 139, was working on?
- A. I can't tell you that with any accuracy. All those plannings overlapped. The program which you mention, gun powder and ammunition, was always supplemented in the view of the demands that were made to us by the Army Ordnance Office. One of these plans went over into another.
- Q. Am I correct, Dr. Ritter, in stating that prior to September 1939 there was a Production Plan Number 63 in your office of the Plantipotentiary-Conoral for special questions, am I correct in that?
- A. Yos. Woll, from memory, I can't tell you that exactly, but it may be.
- Q. Now, in your affidavit Krauch Document 76, in Book 2, Exhibit 37, you refer to Prosecution Exhibit 455 which is EC-282. Now, do you

COURT VI CASE VI 16 Mr 48-20-5-A-AZH-Porrin (Rador) COLLISSION

have the Prosecution Exhibit 459 before you?

- A. You, it has just been put before me.
- Q. How, that Exhibit is a report of April 1939 propared in the Office of the Plenipotentiary-General for special questions in chemistry. Now, do I correctly understand that as to technical details that report was propared by you and that you then discussed it with Krauch for his final approval?
- A. That is correct. This plan was drafted by myself together with our departments. I was the person who actually compiled and edited the technical part of that plan.

16 March-A-FI-21-1-Gtowart (Int. Ramler)
Court Mo. WI, Case VI - COMMISSION

Q.- Now, Dr. Ritter is it not a fact that this report of April,
1939, Prosecution Exhibit 455, was prepared on the direction of Frauch
as a basis for a discussion with the General Staff of the Wehrmacht, is
not that correct?

A.- No, Professor Krauch had to report to the Council of generals about his work. He gave me the order, together with our expert departments, to compile the material carefully and then give him a survey about the progress of the work. That has nothing at all to do with the General Staff, it was a council of generals.

C.- So you recall, Dr. Ritter, having been interrogated on 4 September 1947 by Dr. Meilbrunn of the Office of Chief of Counsel for War Crimes, and did you make the following answers to these questions?

"Q. Do you know Dr. Krouch's report of April 1939?

A. You.

O. What was the reason this report was made?

A. As far as I remember, Professor Krauch did not inform us of the object in view; however, the title said that he wanted it as a basis for a conference with the general staff.

Q. Did you edit the report or did Krauch do that?

A. In such important cases, Krauch himself undertook to compile and adit."

Now, I ask you, Dr. Ritter, did you make those answers to these questions?

A.- No, the matter is different from the way you described it. I replied to Dr. Heilbrunn as follows, when he put this report to me. I said that I could recognize it immediately as being a technical compilation which I made upon request of Professor Krauch, but this was mainly a military and political consideration laid down in the last few pages of the report. I said that "this particular compilation does not originate from me".

I told Dr. Heilbrunn at the time that I would have to refresh my memory about these matters, which took place a long time ago. Then I sent
him a written note where I told him that the compilation on the last pages
of the report was probably compiled by the military and political export

16 Parch-A-FI-21-2-Stowart (Int. Remler)
Court Ho. VI, Case VI - CONSHSSICH

of the office, befor Caimetis, befor Bauer, and porhaps even Mr. Kirschner. These are the facts as they were.

O.- Dr. Witter, I show you a photostat of the transcript of your interrogetion of 4 September 1947, which is MI-14700. "I'll you please read into the record that part of the interrogation which Dr. Heilbrunn has shown you? Do you understand my question, Dr. Ritter?

A .- Yos, I am looking for it. One minute.

is. AFERAN: If Your Honor please, to keep the record straight, I think we will have to mark this for identification. I haven't the continuity of the numbers, and I will undertake arbitrarily to make a number sufficiently in advance, and for this purpose I ask that this be marked, that is NI-14700, be marked as Presecution Education for identification.

THE COMMISSIONER: That mill be Prospection Exhibit - you are giving it Prospection Exhibit 2300, in that correct?

2R. AMCHAN: That is right, for identification.

THE CCHECKSIONER: Just a moment, Mr. Amchan. I will ask Mrs. Wagner to act as clork and mark this for identification as Prosocution Exhibit 2300. Will you placed so mark it? Mark it Prosocution Exhibit 2300.

Q .- Dr. Rittor, do you recall the question?

A.- Yos, I may repeat that this transcript is incomplete. I asked

Dr. Heilbrunn specifically to give me the copy in order to correct it. I

gave him a written correction which is not contained in the document just
introduced. Let me read my version, which I gave him at the time in writing.

Q.- One moment, please. Will you please direct your attention, Dr. Ritter, to the document that was handed to you just now, Prosecution Exhibit 2300 for identification, MI-14700, and I ask you, Dr. Ritter, whether or not you received a copy of that interrogation from Dr. Heilbrunn?

A.- Yos, I received it on order to supplement it and correct it, upon my express wish. Those things took place a long time ago, and I didn't remember all of them at the time I was interrogated.

16 March-A-FL-21-3-Stewart (Int. Rawler)
Court No. VI, Case VI - COMMISSION

O.- Now, first I ask you to please read into the record that portion of the transcript of your examination which is before you in Document NI-14700, Exhibit 2300 for identification?

A .- Very well.

DR. BORTICHER: The transcript which has been handed to the witness aneaks for itself. There is no need for him to read it. I must ask, however, that the correction which was given by the witness to the interregator, Mr. Heilbrunn, be read so that it does get into the record.

IR. ANCHAR: If counsel for the defense would like to interrogate the mitness on redirect, of course, that is entirely proper. If this witness, after having submitted to an examination, gave cortain answers to certain questions, that is one thing. If, thereafter, he has a different view as to what he said and wents to state that in the record as being the corrected statement of facts, that is another. The question I am putting to the witness now is for him to state whether the answers which he gave at the time of the interrogation are as represented in that document.

Q.- Now, the question I am putting to you, Dr. Ritter, you have before you the transcript of your interrogation of 4 September 1947, and I ask you to please road the enswers to the questions that were put to you, as shown physically to you by Dr. Heilbrunn?

THE COURSESSIONER: You are asking the witness, Mr. Amchan, to read a portion of a document which has been offered for identification only?

IR. AICHAN: That is correct.

simplify matters.

THE COMMISSIONER: And then you have a question to ask him?

IR. ANCHAN: Let me reframe the question, Your Honor, I think I will

Q.- Dr. Ritter, the document before you there appears, that is, Exhibit 2300 for identification. You have the transcript of your interrogation of 4 September 1947. Looking at that document, does that refresh your recollection of whether or not you made the answers to the questions that

16 March-A-FL-21-4-Stowert (Int. Ramler) Court No. VI, Case VI - COMMISSION

I just read a moment ago?

THE COMMISSIONER: You may answer the question, witness.

A .- Yos, I made these answers, but after the interrogation I told Er. Heilbrunn that since these matters had been much a long time ago, I wanted to study the matters in peace. Then I corrected these matters which were actually - and the final version was in accordance with the facts as I actually could remember them. I missed these supplementations in document 14700 which I have outere ma-

Q .- Did you send any writton communication to Dr. Heilbrunn after that interrogation?

A .- Yes, Mr. Mill r, the interrogator, took this written communication and he promised me to give this metactica to Mr. Moilbrunn,

Q .- Have you subsequently communicated with Mr. Meilbrunn in writing with respect to that interrogation?

- A.- No, it was sufficient for me to have told him about my corrections.

Q .- Now, do you recall, Dr. Rither, that about a month or two after this interrogation of A September 1947, you executed cortain affidavits in the presents of Br. Meilbrunn? Do you recall that?

A.- You, I do.

Q .- Did you at that time ofter this interrogation discuss with Dr. Hollbrunn the alloyed facts in your testimony?

A .- No, there was really no occasion to do that. I thought that matter had been settled, naturally.

Q .- Now, turning to Prosecution Exhibit 455, which is the report of April 1939, do you recall in that report discussing the proparation and planning for the production of gasoline and mineral oil in case of war? Do you recall that?

... Yes.

2 .- Is it not a fact, Dr. Ritter, that the gasoline or mineral oil planning contemplated economic penetration and control of southeastern Eu16 March-A-FL-21-5-Stewart (Int. Ramler)
Court No. VI, Case VI - COMMISSION

rope; namely, Rumania, Hungary, and Yugoslavia to the end that an adequate supply of gasoline be assured the Axis Powers in the event of mobilization? Is that a fact?

16 March-A-FL-22-1-Stewart (Int. Ramler)
Court No. VI, Case VI - CONTISSION

A.- I don't think you can put it that way. The fact is that calculations showed that on a purely synthetic coal basis, the end of a large scale production intended would take up many years and would cause a great deal of investments. It was intended, therefore, that the mineral oil at our disposal in Europe be used for refining purposes. We had a big plant at Poelitz, near Stottin, which specialized in the refihery of American raw oil.

Q.- May I ask you, Dr. Rittor, to please turn to page 38 of the German copy of your report, that is page 27 of the English of that document, Exhibit 455, EC-282? Do you see the paragraph beginning with "Importance of the Southeast?" "In other words, the economic area of greater Germany is too small to satisfy the military economic requirements as to mineral oil, and the newly and successfully taken up contact with Southeastern Europe shows up the only and hopeful possibility to insure supplies for the Mineral oil economy completely for many years by securing this area by means of the Cohrmacht." Now I ask you, Dr. Ritter, what did you mean ty the term "securing the Southeast area of Europe by means of the Wehrmacht."

A.- The task iv. Wrouch had received was a military economic one, as the name of the plan shows which Goering gave it. It was called "The Military Economic Production Plan." The considerations which the office of Thomas had was always based on safeguarding a sufficient production in the Southeast area. That was contral Europe as well as the Southeast.

Q.- Now, then, will you please look at the bottom of page 39 of that document, the paragraph — that is page 28 of the English — the paragraph beginning, "After having fixed the highest possibilities technically obtainable in the mineral oil plan, together with industries, it will be the task of the next month, together with the Wehrmacht agencies and as we have already done with the Luftwaffe, to work out supply and storage plans as exactly as possible and to use the time for the more detailed study of

16 March-A-PI-22-2-Stowart (Int. Remler)
Court No. VI, Case VI - COMMISSION

compansion planning. The further great aim will be beyond the greater Gerpin erea in which we can fulfill the last demands of the military economy
only with difficulty to take the steps for the planning for large areas
and to develop a far-sighted plan together with the authorities which are
sorking in ecoperation with Southeastern Surope, the aim of which is the
ideal mineral oil supply for mobilization of the Axis Powers to include
the Southeastern European economic and raw material area. Now, I ask you,
Dr. Ritter, was the Franch office at that time engaged in the planning of
securing gaseline and mineral oil supplies for the assurance of furnishing
sufficient gaseline for mobilization of the Axis Powers?

A.- No, the stock piling and storing of fuel had nothing to do with the office.

O.- Is it a fact, Dr. Rittor, that the planning of the Krauch Office did, in fact, contemplate assuring gasoline supplies from Southeastern Europe; namely, Rusenia, Hungary and Yugoslavia?.

A .- The Krauch office really had nothing to do with that.

Q.- Could you tell me why that was contained in the Krauch report which appears in Eccument EC-282, Exhibit 455?

A.- Yes, I can explain it. This report had to deal with all the problems which in any way were pending before the council of generals, and to this belonged all questions which were discussed at great length by the Wehrmacht.

Q .- And did Krouch discuss that with the Wehrmacht?

A.- The ruport before me, we compiled, being his associates. Every expert department in this organization put in their opinions, and they handed the entire material to Professor Krauch for the purpose of his conference. To what extent he actually used the report during the conference I don't know.

n.- Do you recall in the interrogation of 4 September 1947 to which I just referred, Prosecution Exhibit 2300 for identification, MI-14700, that

16 Merch-A-FL-22-3-Stowart (Int. Remler)
Court No. VI, Case VI = COMMISSION

the following questions were asked you and you made the following answers?

"?. The it possible -

Q .- I think it is Page 12 of the German copy. Have you got the photostat in front of you, page 12?

A .- Yos, I have it.

"Q. Was it possible to carry out the preliminary work without knowing about the purpose?

A. As I remember now, when I look at the material submitted to me, at that time Wrauch especially saked that we should consider a possibility to provide the raw materials by interesting the Southeast of Europe in the case of mobilization.

Q. In which may was this cooperation of Southeastern Europe meant

to ba?

A. Through close uconomic relations with Rumania, Hungary and Yugoslavia.

O. Was that not yet existing at that time?

6. I cannot give you any information on that. C. Did one consider an annexation of Southeastern Europe by way of

A. I never heard anything about this."

Now, did you make those answers to those questions, Dr. Ritter?

A .- Yos, I did.

Q.- Do you recall, Dr. Ritter, that approximately at the same time of this report, that is Prosecution Exhibit 455, that Krauch's office made another report in which it gave a survey of the situation of explosives and chemical warfare egent production in Germany as of February 1939? Do you recall such a report?

A .- Many reports were made by us, I don't remember that specific one.

Q.- Now, I show you Prosecution Exhibit 609, which is NI-8790, and
I ask you whether or not that refreshes your recollection that around the
same time, February 1939, Krauch's office made a report as to the situation
of the production in Germany dealing with explosives and chemical warfare
agents? Is your recollection refreshed by that?

A .- Yes, I do recognize the report.

Q.- I will ask you to please turn to page 59 of the German, which is page 26, and you will notice under the date of 27 February 1939 -

A.- Yes.

lé March-A-FL-22-4-Stowart (Int. Ramler)
Court No. VI, Case VI - COMMISSION

I.- — three copies made for Dr. Ritter. That relates to an essay on the ways and means of estimating the German extension target for gunpowder and high emplosives. Now, I ask you, is it not a fact that at the time this report was made, copies of which went to you, that planning of the Krauch office was to supply with explosives and chemical warfare agents a minimum of 60 divisions and a maximum of 90 divisions? Is that not a fact?

15 March-A-JP-23-1-Sushnell (Int. Remler)
Court VI Commission

- A. Ho, that was not the plan of the Erauch Office but of the Army Orinance Office.
- 4. And is it not a fact that the Kranch Office know of that plan and was angaged in --
- A. That is a matter of course, because any cooperation between the Army Ordsance ffice and Mrauch was close. The Trauch Office was Plenipoter tier; and he had to give trail technical assistance when going through the program.
 - The A'C'AH: I have no further questions, your Honor.
 - TT 007 T381 121: Is there any redirect?
- IC. A C'AM: One movert, if your Hour please. Mr. Minskoff has some additional questions, I'm sorry.

THOUST THE ON, yes, I'm sorry. You may we alread, r. inskoff BY 121. TYSKEF:

The Tan referring perticularly to Document Book VI, and it is Document To. 81 of Krauch, and Thibit No. 115 of Krauch.

TIT COLLEGE That page is it on?

IR. HESMYP: In the English it starts on page hl.

TT COMMISSIONE'S I have it.

SY TO DESIGN F:

- Q. Fr. Ritter, do you have any direct and positive information that Kranefuss was the person on whose initiative concentration camp inmates were secured by Farben?
- A. No, that is my assumption. That is something I consider to be very probable, because of the organization as we had it.
- Q. Is it also your as numbion that the defendant 'rane': was not the person the exercised initiative in procuring concentration camp immates for Farben?

Or do you have definite information on that?

A. That is not my assumption, but it is my conviction. In view of my close collaboration with my chief, I would have known of any such

16 Earch-A-JP-23-2-Pushnell (Int. Manler) proceedings. Q. Did you know sho it was that informed Germann Goering that Farben would need concentration camp immates for the construction of I.G. Ausch-W1627 A. I's, I don't know about the process. Q. Do you know who actually did take care of the details in produring imates for I.G. Auschwite? A. Ho, I can't say. n. You heard the wavene witness testing to a conversation he heard about concentration camp labor. How, do you recall anything at all soul conversations which Krauch had with "cerin- on concentration camp labor before the meering order was issued mebruary 18, 1941? Or. MESTC'ER: Objection. The question presupposes that the witness was present when Dr. Coernert was examined. That was not the case. THEN FF: I'm sorry, I shouldn't have put the question that way. THE OMBISSINE: Are you withdrawing that question? TOSK T: Yes, I am withdrawing it. I'S OWN ISSICIUM: Very well, ask another. MY TR. THISWAY. Q. Do you have any information or recollection during the time you were working will the defendant Wrauch of a conversation he had with Termern Poering sonserning labor for the construction of Y.C. Auschwitz prior to the ti e the Goer n order was issued in 1911? A. No, I't w nothin of time. . Do you now which Forben enterprises used concentration camp labor? A. As far as I remember, only Auschwitz did. The situation changed after the heavy bombin attacks on industrial plants, particularly gasoline plants. Then, I think, concentration camp inmates were used at various places, but that was something which was not handled by Arauch, but by the Plenipotentiary Geilenberg. 9323

15 Perchal-JF-23-3-Sustmell (Int. Saler)

- Que Thu don't have an information concerning the sup lied Whernfurt with concentration on a labor?
- A. Of erafort was not an 1.5. plans, but belonged to the Arty Ordnones Office.
- O. The question was who say lied Toharmfurt with concentration comp.
 - A. No, that is unknown to me,
 - O. Do you know wir supplied Gendorf with concentration carm labor?
- A. It is unknown to me that there were any there. I am hearing it here for the first time.
- Q. Do you know who sup lied concentration emmy labor for the Secwerk plants
 - A. No, that is unknown to me.
 - MR. EST T: Thank you very much.
- Til COM TSS'n fir is there are further cross summination of this titness? Tave you any reduced?

THE THE PART OF THE PERSON

TO THE TENE

- THE CONTROL WILL you state than you are representing?
- 57. O ETPN'Et: Doctor Boeticher for Trauch, I beg your pardon.
 57 DR. F ETTORER:
- G. Dr. Ritter, then discussin Exhibit 2,300 of the Prosecution, you said that immediately after the interrogation which is contained in that exhibit, you handed a supplementation to the interrogator. Did understand you to say that?
 - A. No, Dr. Roettcher, not immediately after. A few days aloneed.
 - Q. Have you got this sup Immentation here?
 - A. Yes, have it before ze.
- Q. Then I would lake to ask you to read it into the record, so that it is in the record to ether with major 2300.

"R.A. CHAN: One noment, please. 's would have to objection if a

and his view. To do object to his speking to elicit that information through a self-serving statement unde after the event upon which we cross-examined. You, if Dr. betteber mants to cak his independently of any writing he, hisself, made must the fact is, we have no objection, we do object to having his read from a document he prepared, modifying, as we have nother than the interrogation.

THE CAN ISSUATER: For the purpose of the record, Dr. Posticher, is it a fact that the supplement who; you are calling on the witness to read into the record is a same state unit

Di. YETHENER: I will des des mont that, 'r. handiner. 7 don't assume it, however.

Tage TEST : Your well, moceed.

The Derman channel. Will you give me the Laglish on that?

(Thereppon the interpreter repeated the statement,)

Q. The witness will now state under outh that at the time he handed the interrogator, Miller, this supplementation of his written statement. In order to do that, it has to be in the record.

A. 705.

If ANCIONS: One remark, please. To will have to remark our objection on the ground that as a most in most to an interior interrogator with respect to a prior interpression is interested and we again resent that if Dr. Boottcher wants to as the most what the fact is, we have no objection, but to read into the record a doct and which was written by the minness, himself, not under outh, and the evidence does not show it was communicated to the interrogator who took the interrogation, would be going a bit far affect as to competency of evidence to prove a fact. The simple thing is to have oral testimony on behalf of this witness.

TT COMMISSIONER: Dr. Boettener, all this matter will come up before

15 From A-JP-23-5-Pushmell (Int. 2 der)

the Tribural, as you well know. For, wouldn't it be a simpler watter if you got it into the record by ask my the witness what the real facts were?

DR. VETET ZR: I beg your perdon. I didn't get the monslation of what you said. I didn't gate get it.

THE ON ISSUED: I say, Dr. betteler, worldn't it be a similar inter if you were to us the whitness, as say ested by r. Avelap, to state what the real facts were?

DR. VETTORI: Vell, ir. Exciser, I stready asked his this: Did
you make a supplemental statement, and what was the content of the
supplemental statement, then space Dr. Ditter has the contents of this
statement before him, he would read it into the record, because he doesn't
remember it all in detail as he said it.

THE CHIESWITCH I think the argument has gone for enough so the matter will be before the Tribulal when it comes up. I've may proceed with your exemination. He may road into the record what you gated him.

- I. Hould you be good amond, Or. Ritter, to answer this in order that the things are straight in the record. I amb you muchber you on sider the co-rections necessary and co rect even today?
 - A. Yes. In my opinion the connections are very in content.
 - D. No shenda
- As I that state that a number of words are in the previous minutes which did not originate with me but which were dictated by Dr. Peilbronn.

 Thy 2 road the decisive last pages?
 - Q. You, the examiner has cornithed you to do that.
 - A. ' : page 12, the third question, and I quote:

"Tin you do rect the - Lid you adit the report or use such aditing done by Trauch?"

Abswer: "Do you mean the formulation of the compilation which was reed to me before? I don't require havin formulated it. It may be that in such an important case frame at the wine binable Carminated and compiled the report. On the such and, it we be that this was done by to orthontal Cated Mirachear, to arthursal fand Tener, who you and again advised Franch on military and collisiant satters. The there extends Colonel Caimatis, who had close connections to the Thermacht, was Civief of Stoff of the Reich Office in April 1939, I do not remember."

Quastion: "Tidn't Kranch emplein to you what the purpose of the report was when he empressed you with the occupilation of all the are - liminary reports?"

Answer: "At the moment I don't remember it. Rould you be good anough to let me look at the decement?"

Question: "Tes it possible without mowing the purpose to do the proliminary work in a reasonable way?"

Answer: "As I can see after the decreate are presented to me,

Dr. Brauch at the time decembed a conficulty to begin a possibility to

take into consideration the Southeast area in order to cover the rem

unterial decemb. In addition, a survey was to be made about the progress

of the work in all the fields comprised in the Mariauell Flan. Even the jorder and explosive field was important and it was necessary to reader our position with respect to the expansion which had been demanded. The Hindenburg program, dating been to the First orld Mar, had to be used for emergineen of statistics."

Question: "In what form was the addition of the South cost use --

Answer: "The rest of the text can stand as it is.
Then again on to pene the

Abstract First line. "I don't because, becomes I only have that

no compa to be that he was remonstrice or doing ever to be an entry

in case of mobilization with remort to a which ever to be serious

this report compares a military, economic importantion, in my opinion

the possibility of a very seat have be a at the basis of all considerations,

since this is usual in all investigations carried on by the military

people, or by the Remoral Staffs."

The text may now runnin unchanged up to the middle of the page.

Quantion: "Does the sentence, in your upinion, not express that

Hrauch was contains upon a var with certainty (next war) and that he

thought that this war would came about immediately, 'very quickly ?"

Answer: "No. This text can be interpreted by you in this way, being Counsel for the Prosecution. However, Wr. Treach at no time told me about any definite data much as ampeted the outbrook of a ver. The concept, 'rapidly' or 'nor: residle' cannot reser to a ver unich is invitable within a few months. The Parishal Plantus a long-range plan with the offects of which one could only count after many years had classed. At the time when the report was made the mineral of I progress was only receiving its first iron quotes."

The test may remain unchanged up to page 15.

First answer: It must read: "This may be interpreted by you today to mean that Krauch, as I assume in view of his deeper insight into

15 March-A-JF-2L-3-Hasdorff (Int. Rauler) Court VI Commission

those matters, could forses a war."

Quartien: "In question was this: Inst this not be interpreted that may of necessity?"

Answer: "Jo. a was were in the middle of the Sevelopments at the time and had no satelled insist into the elitical situation could not move and had not necessarily have to inter rot at that may, Monover, I must educt that from the point of what of the contemporary historian the said conception is well justified. That is to say, Erauch in this report assumed that a ter was necessable."

Question: "A Corner approssive war?"

Abswer: "No. It could have some about that an opponent would have opposed for an plans by aggression on his pert. For instance, there may have been armed resistance on the part of hasis when they were pencirating into Southeast Europe."

Bucstion: "I think that will so enough for today. Thank you very much."

Those are the minutes.

- DR. D ITTOMER: Those are the supplementations of these migrates which you sent to r. Heilbrunn.
 - A. Yos, I handed the ever to Interreption Filter.
- Q. I have enother the brief quest one. Coursel for the Trescoutions: about a FST lan of Subrumry 1939. By question is: are the sine which were laid down in this Pabrumry plan were they reached in the year of 1939?
 - A. I would have to look of the documents. I can't judge it offhand.
- Q. Another question. The Brauch responsible for the exploitation of natural petroleum in Southeast Durope?
 - As No.
 - Q. Do you know the was responsible for that?
 - A. It was the Reich Enistry of Economics, as far as I remember.

16 Mar. LB-A-GJ-21-h-Hasdorff-Court 6 case 6

- Do you know of facts which go to show that Krauch, whenever he uttered mossibilities of war, thought particularly of an aggressive war?
 - A Mo, I don't know that.
 - DM. WETTGETH: Thank you very much.
 - DR. JuffMann: Dr. Hoffmann, Counsel for the Defendant Ambres.

EXCISECY TRATION (cont'd)

Dr. Mittur

BY DR. HATTLAMIT

- A Witness, would you please be good amough to take hold of Deciment NI-14700. Then please turn to page 11. Having turned to page 11, you will sen that you were asked about the defendant Ambros, have you found that?
 - A Mo, I am afraid not. Is it 147007
 - W Yes it's 14700.
 - A 19700. I sow.
- Q It is on page 11 of the original, us it says in the copy before
 - A One mount, please. Yes, I have found it.
- Wery well. If you would glance through that page briefly, and having done so, I would like to ask you whether it is true that you were asked about the Karinhall Plan?
 - A Tes, that's right.
- And you are now being asked whether you know that Ambres participated in the commistrative side of that plan. And there follows
 an answer from which I can only deduce that you wanted to say that
 Ambrese did not participate in the administrative side of this plan.
 - A That is true. I never heard anything of that.
- If the next question reads: "Tas Ambres active in the other work in connection with the Karinhall Plan? And the answer scens to say that that was not the case. Is that true?
 - A At least I never heard anything of that,

- Q Your saying that would have been a matter for the Chiefs, what do you mean by We matter for the Chiefs*?
- is By that I seen that is something which can only be discussed by one departmental Chief with another. In other words it is a breic question which the individual worker in the sub-department cannot deal with.
 - 4 And was Ambres ever one such Chief?
 - A Well, not in our office.
- Q Vary well, I shall now turn to enother question. Dr. Ritter, you were asked about the commitment of concentration camp in ates -first let me ask you whether you know about the commitment of concentration comp innates as for as it concerned Auschwitz. Did you
 know about it in detail?
- A I know that concentration camp incetes were employed there to a large extent. That is all.

THE COMMISSIONER: Dr. Hoffmann, I have just been notified that the film will run out in five minutes.

IR. HOFFMAN: I have only a few quantions.

THE COUNTSSIONER: Very well, five minutes is your limit though.

DR. HOFFMANN: That is enough.

Q Vitness, if you assume and if you state that you were only broadly informed about the employment of concentration camp innates in Auschwitz, now can you say, that one certainly did not know at krauch's office that perhaps a few hundred or even less concentration camp innates were employed at other plants at Dybernfurt or Gendorf?

A Wall, at least I didn't know it. Whether some of the workers in that office knew it or not I don't know.

DR. HOFFMANN: No further questions.

THE COMMISSIONER: Mr. Amchan, I am afraid we won't be able to get any more questions in on this witness this evening.

MR. AMCHAN: May I ask them, if Your Honor please, to have the witness recalled tomorrow morning since we have a hearing scheduled

16 Mar 48-A-MB-25-2-Nelson (Int. Ramler)
I. G. Ferben Commission

for nine-thirty. I have some short questions on redirect which I really cannot do away with.

THE COMMISSIONER: I thought that would be the may it would be.

There will be another witness temorrow morning as I understand it. I am expecting Dr. Mueller to take steps to notify Defense Counsel to that affoot.

MR. ALDRAW: The witness, I might state, it might be helpful to Your Honor to know, will be Dr. von Beak Gadewski.

THE COMMISSIONER: Thank you. This hearing will be recessed until nina-thirty tomorrow morning.

(The Commission recessed until 9:30, 17 Merch 48).

Official Transcript of Hauring before a Commissioner for Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, at al, defendants, sitting at Nurnberg, Garmany, on March 17, 1948, Commissioner James G. Wulroy, presiding.

THE MARSHAL: The Honorable, the Commissioner of Tribunal Number VI.

The Commission is now in session.

THE COMMISSIONER: Now, before resuming the examination of the witness now on the stand, I'll ask if there are any statements to be mede by Chunsel sither for Prosecution or Defense.

Have you something, Mr. Amchan.

DR. BOETTOHER: Pardon me, Mr. Commissioner, I would like to make a brief statement about the documents submitted yesterday by the Pr ascution. NI-14,700, Exhibit 2,300. The Prosecution has made some copies available to the Defense and to the defendant and thus has left us in the belief that this document was signed by the witness because the copies bear the designation, Signature: Gerhard Ritter. I have found out that these signatures are not only on the German copy but also in the English copy. I think that this fact gives an erroneous picture to the Dafanse and to the Tribunal. At least, it could give an erronaous picture, because it is something very different if the Defense and the witness have to make a statement about documents which is not signed, aspecially in this case in which the witness has stated that he has reserved the right to make corrections about this document and that he has made corrections and submitted them to the Prosecution.

That is one point.

Bayond this, I have restablished theti'in the copy, in the Garmen copy, handed to us there is a mistake which distorts the meaning, namely on page 16 of the original in the Garman copy. In the 5th paragraph, second line, instead of the word "War" which Mr. Ritter used, there is the word "once." it is, of course, very different if Dr. Ritter has said, "Dr. Krauch never told me enything of a definite

"He told me once about it." In connection with the error which originated with us about the illeged signature of the document, the Tribunal and the Commission will understand that this is unfortunately a case which at least has to make us distrustful of the Prosecution material.

Thank you very much.

THE COMMISSIONER: Has the Defense Counsel any further statement to make? Any of the other Defense Counsel?

Have you something, Mr. Amchan?

MR. ANCHAN: Yes.

Dafanse Counsel is referring to NI-14700, which was offered as Prosecution Exhibit 2300 for identification. I think the record should be vary clear that the Prosecution did not offer this document in evidence. It only offered it for identification.

The document is an interrogation, a transcript of the interrogation of the witness on the stand, Dr. Ritter. The questions taked him were whether he resembered certain questions having been asked him at that interrogation and whether he made certain answers thereto. The document was then handed to the mitness to refresh his recollection — and I want the record to be perfectly clear that the document that was handed to the witness was a photostatic copy of the original transcript which was certified by the official stenographer as being true and correct. Now, the document as such, as I have stated, was not offered in evidence.

To assist Defense Counsel in following the proceedings we made available to them at the hearing at that time our typewritten working copy. There were no final mimeograph copies distributed; they were typewritten copies which the Prosecution was using as its work sheets. There were pencil notations on the copies — at least the copy that I was working from, and I understand it was the same with the copies given to the Defense Counsel — which indicated that there were errors in the translation and that this was naturally a draft. But

beyond that the witness testified not as to the document but he testified as to the answers that he made in response to the questions put to him at the prior interrogation.

My recollection is quite clear, and I think the record supports it. The witness definitely stated that he did not sign that interrogation. As a matter of fact, he want further. The witness stated that after that interrogation he submitted a supplemental amorandum to one of our interrogators wherein he undertook to make certain corrections in that interrogation — corrections which I understood the witness to say were based on further reflection as to the testimony that he made; and I think the witness said that with respect to that interrogation he asked for permission to reflect on it and give a supplemental statement to be more correct. Thereupon, Defense Counsel undertook to restamine the witness at length. And the witness read into the record his corrections and his supplemental statements which he says he give to the interrogator.

Now, what is the state of the record on those facts? The document NI-14700, Exhibit 2300 for identification, has not been denied by the witness as constituting a true record of the interrogation that took place on 4 September 1947. He only stated that he made a supplemental statement thereafter which would in some respects correct some erroneous impressions that he may have had at the time he was interrogated.

17 Mar. FE-N-GJ-2-1-Husdorff-(Lea)court (case 6 (Commission)

Now, under those diremstances I think Defines Counsel is entirely in error in iscribing notives to the Prosecution. It's entirely improper for Defense Counsel, aspecially since in conferred this morning and the segreed—or, at least the Presecution offered to stipulate to put both of these documents in the record, in evidence. And the Prosecution further effered unit before the processing of those documents takes place, there exists a recordly submitted to the Count, both the Prosecution and the Defense arrow as to translations, or rather, physical or machinical errors that conserved in the drafts and which may have mislend, although we do not see how, but which the Counsel thinks may have misled them.

Now the Prosecution makes that offer now inopen court and the offer is this: In 14700 - now offer in ovidence as Prosecution Exhibit 2300, so there will be no mistakes as to just what that document contains, and consequently we withdraw the offer for identification and made the offer foresally new to have that in evidence.

The Presention is prepared to subsit to Defense Counsel the sernoil or any other copy from which the final copy which will be submitted and distributed to this Court, will be made for the purpose of having them indicate what aschanical or technical errors there may be in either the German or the English document. But we do not must to be misunderstood. By making this offer we do not mean to person Defense Counsel to change the interrolation or any answers that the witness may have made at that time. It's limited only to any errors, obvious errors in transmission transcription, or translation.

Now the rocar is it now stands after justorday's redirect excaination by Delense Counsel is unintelligible for this reason. The mitness undertock to read from his supplemental statement, and the form in which the witness testified seemed to be that he was reading an interropation. He said, "Question," and then he read scenthing and then he have an ensure. Question Answer. That, as I understood the witness, was his supplemental corrected statement of what he things the

facts are or what he would have testified to had he had an opportunity to correct the first transcript. Now, in reading that supplemental statement, the witness would say, "The rost of this is O.K." And then he would read a few questions and enswers and them would say, "The rest of that is O.F." Now, of course, the record does not indicate what he was referring to when he said, "The rest of this is all right, "and, the rest of this is not all right." And we were in doubt as to just what he was reading from. And it was for that reason that we asked to call the witness back for recross examination, to staighten out the record. But I think there is no need to continue with the examination of the witness if Counsel for the Defense will stipulate that they will put in evidence the supplemental statement that the witness was referring to and the statement which we understood he tried to read into the record, or part of it, so that the record -- if Command for the Defense Agrees to such a stipulation -- will be this: Prosecution Exhibit 2300 will constitute the transcript of the interrogation of this witness of L September 1917. The next document, if it's offered in evidence by stipulation, will be the supplemental statument of the witness with respect to that into regetion. New, when that's stated in the mound, would have all the statements dealing with that interrogation in evidence and it would be a simple matter to compare both statements to see west errors, inconsistencies, or modifications have been made by the witness, so that the Prosecution now formelly puts to Dalense Counsel the ourstien whether he will stipulate to put in the record the supplemental statement that the witness was reading in, and accordingly will have a complete record of this entire interrogation, including the corrections which this witness desires to make. And, under those circumstances, Prosecution is prepared to forego ony further examination of the Titness.

THUS LOGITSSIGNER: Well, Mr. Amchen, as I understand your position now, you are asking the Defense Counsel to make -- to agree to the stipulation that you have just outlined and in that event you will waive further cross examination?

17 Mar.id-K-GJ-2-3-Husdorff-Court 6 cist 6

MR. ALCHAN: That's correct.

THE GUELESSTEEL We will hear - I would like to hear from Defence Counsel on this matter for the purpose of having the record clear.

In other words, Dr. Boetteher, do you -- in other words, Dr. Boetteher, will you so stipulate?

DR. FORTHCHAR: Mr. Commissioner, I agree to the stipulation, but beyond that, after the statement of the Presecutor, I am forced to state the following:

First of all, the severe repreach which I made against the Prosecution and which hr. Amehan's statements have not removed, is part from some errors in the translation, the following: that yesterday prosecution left the witness and the Defense in the belief that a signed document is at hand here. And this is not fair by all the rules.

Secondly, the stitements of Mr. Anchan, force to ask a few questions of Dr. Mitter about the manner of his interrogation. Up to this point, and according to my whole attitude in this trial, I have refrained from going into such matters. But the behavior of the Prescoution new forces me to do so., Therefore, I ask Dr. Ritter news:

REDIRECT EXALLIMATION (Continued.)

DA. GOLHAND RITTER

BY DE. RECTCEEK:

O Dr. Witter, is it correct that the interrogating officer of the fresecution told you during this interrogation, "Dr. Ritter, you don't win knew Dr. Kruuch. Dr. Krauch wanted an aggressive war and promoted one in order to increase and consolidate the gains of Farben." I wak you whether Dr. Weilbrunn tried to get you to say during this interrogation — to testify in the sense in which you have not signed to. Please describe the circumstances which are at the basis of my question.

A Busically what you say, Dr. Boottcher, is correct. During this interrogation I was under a great psychological pressure because, in a very lively preliminary interrogation, and there was no record of that,

I was informed by Ir. Heilbrunn that the Presecution disposes of a mass of material which shows clearly that Forbon, and with that, my former chief, had driven Hitler to war, of course, otherwise, there would have teen no possibility for Farben to get oven a small part of interest on the millions that they had invested. "If course, in my chief I always six a man who was a model of a man for me, and at that moment all my ideas were completely reversed at the memont occase I had to believe Ir. seilbrunn 's word. And I had to change all my views and I needed a long time in order to get my clear ideas back that this could not be so because as a cellaborator of my chief I would had to have some knowledge shout these things. At the end of the interrogation which followed this, which was very lively, it was partly that I said something, partly that Dr. Reilbrunn completed some things that I said, and some things got into my answer that I did not say in that form. As, for example, at the end, the last immer. There it says in the original record, "Wo not necessarily" and I said "No". Dr. Heilbruns then put in, "No, not secessarily." Of course, this distorts the sense. And, since at the and of the interregation I was not sure about what I might have said during this excitement I asked expressly to send me the transcript and this is the version that I had before me yesterday and which I then completed, and these completions were sent by me to Dr. heilbrunn vie. Interrogator Fueller. These are the facts of the interrogation.

DR. BOETTCHER: Thank you. Mr. Commissioner I shall summarize.

Pirst of all I move the striking of exhibit 2300 which has been submitted for identification and I state that I agree to the following: that a document newly to be submitted, the contents of which were then taken by the Prosecution and taking into consideration the corrections by Dr. Ritter and I agree to the stipulation.

THE COMMISSIONER: Have you something on that, Mr. Amchan?

MR. AMCHAN: First, I would like to examine the witness further and then I will inquire as to the nature of the stipulation in order to ascertain what strings are attached.

THE COUNTSSIONER: You will understand that there is now a motion to strike. Do you wish to answer that at this time or do you wish to take it up later on with the Tribunal possibly?

MR. AMURAN: I will take it up a little later on. I think I will first lay a foundation for further examination of the witness.

THE COLCUSSIONER: Do you understand that this document, Prosecution No. 2300 is offered in evidence?

1R. AMCHAN: That is correct.

THE COMMISSIONER: It is received now in evidence?

1R. AMCHAN: That is correct.

THE COMMISSIONER: I also notice, Mr. Amehan, that in the record I have here the document seems to be in German and there is no English translation.

IR. AUCHAH: As I explained, yesterday, it was only offered for identification.

THE COMMISSIONER: I understand.

IR. AMCHAN: And we only had our own working copies. As I understand the practice before the Tribunal, documents offered for identification are not processed for distribution, just the copy goes with the Secretary General and if any Counsel is interested they may examine the the document there. It does not become mimeographed and distributed the way a document which is actually in evidence is. Now when we undertake to

furnish Defense Counsel with mimeographs of a document for identification, it's merely an accommodation and it is not a formal matter as the document is in evidence.

THE COMMISSIONER: I only bring it up now, Mr. Amchan, by way of inviting your attention to the fact that there is no English translation of this in the files.

MR. AMCHAN: That's right. The original was in German and that is the one that is filed with the secretary.

THE COMMISSIONER: You are going to furnish now an English translation?

MR. AMCHAN: That is correct. We will process it in the usual man-

THE COMMISSIONER: ALL right. You may proceed, Mr. Amohan.

MR. ALCHAR: I think Dr. Hoffmann has something.

THE COUNTSSION ER: Excuse me, Dr. Hoffmann.

DR. HOFFISAIN (for Ambros)

Mr. Commissioner, in this document, that is, Exhibit 2300, my client Ambros is mentioned during the questioning and because of that I must reserve the right to voice my position to the suggestion of the Prosecution for stipulation, rather I shall not agree to it until Mr. American has asked his questions.

THE CONHISSIONER: Well then, when Mr. Amohan has completed his cross examination, you will signify that your decision is.

DR. HOFFMANN: Yes.

THE COMMISSIONER: Very well, Dr. Hoffmann.

DR. BOETTCHER: Lir. Commissioner, my attention is called to the fact that my motion for striking of the document 2300 must also refer not only to the submitting for identification but also to the submitting as evidence.

THE COMMISSIONER: I think that would be understood.

All right, Mr. Amchan.

RECROSS EXAMINATION CONTINUED

BY 12. AMCHAN:

- Q Dr. Ritter, after the hearing of yesterday, did you confer with Defense Counsel?
 - A Yesterday I spoke with those gentlemen, yes.
 - Q After the Court session at four-thirty?
- A After the session, and I asked them to give me the text and I compared it with the original text of the interrogation here and I told Dr. Boettoher that this was a mistake which distorts the meaning.
 - Q What text did you ask Dr. Boettcher for?
 - A The text which was distributed here yesterday.
- Q Now, yesterday were you not given a photostatic copy of document 14700 when you were on the witness stand?
 - A Yes.
- Q And wasn't your testimony in connection with the photostatic copy that was before you?
- A The photostat was taken many from me again then and I didn't have it anymore. At the moment I don't know whether I had this text before me yesterday. I think I was basing my answers on the copy which I had of my interrogetion.
- Q Well now, Dr. Ritter, isn't it a fact that during the entire time the Prosecution examined you yesterday, the Prosecution gave you the photostatic copy and directed your attention continuously to the excerpts that appeared in the photostatic copy which was in your hands, isn't that so?
- A The photostat was much more difficult to read and I wasn't so familiar with that text as with my own copy which I had in my hand. I looked at my own copy.
- Q I hand you now, Dr. Ritter, the photostatic copy which was handed to you yesterday, MI-11/700.

A Yes.

- Q Will you please tell me, whether that copy is clear and readshle. Look at the photostatic copy please and not at your typewritten notes.
 - A Yes, it cal be read.
 - Q Will you please look at the last page. Is that page clear?
 - A Tes, absolutely.
 - Q Now, your signature does not appear there, is that right?
 - A Mo, not mine.
 - Q You saw that yesterday, did you not?
- A No, I don't remember. I didn't look at it that closely yesterday because I knew that I syself did not sign anything.
- Q Now, looking at that copy again, Dr. Ritter, your name is typed in and above the typewritten copy is a line and there is no signature on that line above your name, is that right? Please direct your attention to the photostat.
 - A Yes.
- Q Now, again, just direct your attention to the photostatic copy.

 Is Dr. Heilbrunn's signature there as interrogator?
 - A Yes, it's there.
- Q And do you also see the signature of the official Court stenocrapher?
 - A Yes, there is a Miss Tunderlich who signed it.
- Q Now, Dr. Ritter, you say that after that interrogation you prepared a memorandum which you gave to iir. Mueller for transmission to Dr. Heilbrunn, is that right?
- A Well, a memorandum is too much. Just corrections, and completions and additions.
 - Q Corrections, completions and additions to what?
- A In reference to the contents and the meaning of various sentences.
- Q Now, Dr. Ritter, at the time you made those corrections, completions and additions, did you have before you a transcript of the interrogation of 4 September 1947?

- A Tes, I had that.
- Q And is that branscript that you had before you at the time
 you made these corrections, completions and additions, the same as the
 pho ostatic copy which I just handed to you?
 - A Just by looking at it this seems to be absolutely the case.
 - Q I have no further questions of the witness. Now then -
- A One moment please, I would like to add something on the last page,
 - Q Of the photostatic copy?
- A No. of my copy which I then received. On the last page the prosor bed signature are missing. It is not signed.
- 1 7111 you please let me have the copy that you received from Mr. Heilbrunn?

Will you bear with me for a moment please while I examine it.

THE COLMISSIONER: Surely.

- Q Dr. Ritter, will you please look at the photostatic copy of the document, the photostat. Have you got that in front of you?
 - A Zes.
- Q I understand you to say that the last enswer in the photostat differed from the typewritten copy that was given to you?

A Mo, I merely said the last page insofar as in my copy the prescribed signatures are missing, that is all.

Rittir, you have before you the photostatic copy of document NI-11/700 your interrogation of 4 September 1947. You also have before you the typetritten copy which you say Dr. Heilbrunn gave you. Now except for the missing signatures, could you please tell me if the last page of you typewritten copy as given to you by Dr. Heilbrunn is the same as the last page of the photostatic copy which you have before you. Is there any difference in the contents?

A No, there is no difference.

Q Howy just one noment pleases. And I occurate them then the other testable copy which you now have and the typewritten copy of the Masser regardent which Dr. Earlbrown gave you are exactly the same as to cannot test and abbetance except for those three plants for signature? In that correct?

A Yes, that is correct, but I must add millsout the corrections and solitions made by it.

Q Now, these corrections and additions node by you are the supplanental corrections and additions which you made after you restrict that hypermitten copy from Dr. Hellbrown, in that right?

A Year that he work

If you took the photosistan copy of document MI 16700 and therenther also took your correstions, completions and changes than them the documents together would represent to true, correst and last represent to true, correst and last represent to true, correst and last represent to true.

I No. I just say when at their I mented took constitute to my faretaching and I can only recognize the immersion temperature much the additions note by we.

- I am afraid you didn't understand my question. My question is this. If you took the photostatic copy of 14700 and if you add to that the changes, completions and modifications which you later made and which you read into the record, if you took those two documents, would that give a complete and fair story of the facts that were brought out at your into regation as corrected by you?
 - A. Yos, that is true.
- f. "Ith that, if Your Honors please -- just one moment, a fow more distions.

THE COLLISSION IN: Bo shood, in Amohan.

- day, did you have an impression that the photostatic copy which was given you am which you communed with the typowritten copy which you received from D. Mailbrunn had been signed by you?
- A. No, I never signed it, therefore, I didn't even pay any attention to that point. Yesterday or lost night in the misseographed copy which was distributed here I afterwards say the signature and then I called Dr. Boottcher's attention to the fact that this copy had never been signed by me.
- Q. Where did you got the minsographed copy which you are talking about? Who gave it to you?
 - A. Dr. Boottcher.
- Q. Now, Let me see if I understand you. You were testifying from he photostat and after your testimony was over you conferred with Dr. Eletteher and he gave you the typewritten work sheet which the Prosecution furnished him, is that so?
- A. No, I said before that I testified yesterday on the basis of my copy which also has my additions in it, and I had no opportunity yest reday to compare this photostatic text yesterday. I don't know that text, but I do know the transcript which was handed to me at that time.

Yesterday, Dr. Rooticher gave so, the micorgraphed only which was distributed here porturally and there I found matrices which do not a warwithin with the graduatest or with the copy I have.

- the Court sension was ever, was that the Inglish termelianes?
- A. No, it was a Garage took, in thick, agant from our adve-our to- Southchap has already markings, thus a more chown all magnetic as which were sampletely whereon to b. I have a great the decisars.
- d. They are typicalized soples unitablish the signature that they not? They were not detent algorithms?
 - a minosython copy of the population standards. Just
- The Mind is not may original document of any plantactor.

 did you?
- have been a original frem which their copy and been made.
- on the witness attend and while you were restifying, the only include you had before you was the protestatic copy of your interseption, which here no signature, at least, did not have your signature, and you also and before you the typercratical copy of these which the Resilients gave you which did not have any signatures and is no true that declare the estimate you and from which you testified more documents that did not have your signature, the only documents that you had leave your signature, is that right?
- A. I may say about that that when you sat in the warmer bee.

 You have no time to read proof carefully, therefore, I didn't remark had document word for word. I think that would take up the time of the Tribural too much if one were to do that on the witness stand.
- q. Now, honestly, Dr. Ritter, were you under the belief yesterday while you were testifying when you had those documents in from

of you that you thought that you had signed those documents? Idda't you had all the time over after you were trying to tell as about your semilemental statement and corrections that you did not know a charge to sign and like interpolation, isn't that the facts

A. I morely know that I nower signed it. I don't quite under-

THE COLLEGISTIC T think the inthose the interest the previous

Min July N: Just a few here questions

- In it true him in. Buttleher suggested to you for the first time after the close of members and pointed out to you that in Wh. type-written copy that he had there was a typesmitten solution of a signature on the interrogation, lengt that true?
- to give no the copy that was distributed in Copys and I compared this and I found those mistakes and carry than aid I also ver that there taken signatures underneath it and this morning I talk that is Dr. Boutbalery
- Q. The signatures you refor to are on the type witten as y which Dr. See teher give you, right?
 - a. The one that I maked Dr. Bootlehor for, you.
- Q. Now, then we were extended this norming by Dr. Resitcher you stated that you were under some repriselegical pressure, during the examination with dr. Saithrung.
 - 1 794
- on here any threats or force used mainst you at the limit of the interregation?
- A. No, it was done in a very fine namer, but I believe but what he said was sufficient to produce a mufficient amount of payenclogical pressure,
 - q. Psychological prossuro, ald you say?
 - A. I said spiritual pressure.

- Q. Spiritual pressure, Now is it not a fact that during the entire course of that interrogation Dr. Heilbrunn acted like a gentleman and treated you formally and decently, isn't that a fact?
- A. Ir. Amehan, if you call this genleman-like when I am told that my own Chief had promoted the war because he had to make an interest on his investment then it was gentleman-like, but I don't think one should confront a datases coming from prison, with such a statement which is proven by nothing.
- no got it to you. I am not asking you whether you agreed with anything for fullbrunn stated or not. I am asking you about the circumstances surrounding your examination. What there any physical force or threats made to you in the course of that examination?

THE COMMISSIONIR: That is a simple question, witness. Answer it bri fly, please.

- A. No, no physical pressure was exerted.
- Q. Here there any threats of force or physical pressure made to you during that examination?
 - A. No, in no way.
- nor surprised at the nature of the evidence which Dr. Heilbrunn confronted you with and that is the reason for your spiritual pressure? Dought it come down to that?
- A. No, that is not what it comes down to, but that the man
 to whom I always had given my confidence and with whom I had collaborated
 with for ten years, that he is suddanly represented as a criminal and
 not only that is being suspected of it but that he has already been convict if for a long time on the basis of evidence submitted to the Tribunal
 I think that suffices.

THE COMMISSIONER: Mr. Amchan, it strikes me that some of the questions and the answers both are more or less along the line of argumu.

17 Frech - 11-74-4-5-Halson (Int. Lea)

her, if you have some educational points to cover in econoction with this line of questioning you may, of course, precede, but I would like not to have the record cluttered up with a great deal of argument. You understan

IR. MIMER: I will how to Your Honor's ruling and I think to have sofficiently enhausted that field.

Just two mary questions,

1. Do you recall, Dr. Hitter, having been interregated by Dr. Heilbrunn and you having conferred with him about a month or two after L Saptomber 1947? Do you recall that 7

- A Yes, I was interrogated again by him about chemical warfare area---
- Is it not a fact, Dr. Ritter, that at that time, after your interrogation of 4 weptember 1947 when you conferred with Dr. Reilbrunn, you privately asked him for advice with respect to your own personal situation, isn't that a fact?

A That was a little bit different. We had a conversation during maich I drew his attention to a newspaper article according to which some raw material plan for Europe was to be instituted in Switzerland, and I told him that was doubtless the proper place to place the experts from the former German Office for Economic Planning whose work it had been to do that before war broke out.

Q And did you ask him privately whether you could fit into that situation?

A I merely asked him where these gentlemen of Farben are now whom I wanted to contact after my release.

MR. AMCHAN: We have no further questions of the witness; and if Your Monor please, at this time in view of the witness's testimony that the interrogation as evidenced by Document 17400, Exhibit 2300, plus the corrections and additions which the witness read into the record in part, since the testimony is that in the witness's view both of these documents would represent a true, fair, and correct version of the interrogation as corrected by him, I renew my offer. First, we have already offered in evidence NI-14700 as Exhibit 2300, and I'd prefer to have Defense on its own motion offer in evidence the supplemental copy; but in the event the Defense is not inclined to do it, then we will ask the witness to produce that supplemental statement, and the Prosecution will offer it in evidence as its own exhibit in order to have a full and complete version of that interrogation about which I this issue has been made.

THE COLLISSIONER: All right, now, for the record let's dispose of this. Dr. Boettcher, are you willing to offer in evidence the additions and so forth which the witness has testified would constitute a complete and true interrogation? Are you willing to do that, order that in evidence?

DR. BOETTCHER: Mr. Commissioner, of course I have not the least misgiving about immediately offering these corrections, but I would believe
that it would be the simplest for the record if Exhibit 2300 is withdrawn by the Prosecution and if we submit a new exhibit 2300 by using
the original text and by adding the corrections of Dr. Ritter, and if
we thus make up a new document which then will bear the number 2300.
This seems to me to be the simplest way.

THE COLLISSIONER: What do you say to that, Mr. Anchan?

is. ALCHAN: I regret very much to state that that is unacceptable to us. First, I haven't seen the so-called supplemental corrections which Dr. Ritter made, and to take that and compare things, we'd run into difficulty as to what is a correct consolidated version of the transcript. Under the circumstances, I shall ask the witness or Dr. Soettcher to produce now his supplemental statement; and upon the production of that statement, we will offer it in evidence now, and I call upon them to produce that document for the purpose of having the Prosecution offer it in swidence so that we can have a complete set of the interrogations, the changes, and additions made by the witness.

THE COM ISSIONER: Can you comply with that request, Dr. Boetteher?

DR. BOETTCHER: Yes, I have no misgivings. My motion was only to
simplify matters.

THE COLLISSIONER: Then, you wish to, at this time, offer the amendments? You wish to offer those in evidence?

. DR. BOETTCHER: Mr. Commissioner, you will understand that I do have the desire first to make a copy of the corrections. I shall take the responsibility for the fact that the proper corrections will be delivered, and I shall be able to make them available by 12 o'clock.

THE COMMISSIONER: That will be satisfactory, I think, Doctor.

HR. ALCHAN: That would be all right, but just by way of my own information, I haven't seen the document that Dr. Ritter was testify:

about. I think since we are dealing with a specific document, we ought to, at least, have it marked for identification, and I could at least see it and then I will turn it over immediately to Dr. Boettcher to attend to the formal matters of processing.

THE COLLISSIONER: This is rather difficult -

DR. BOETTCHER: Yes, I agree to that.

THE COLDINGSIONER: I was going to say, this is a rather difficult thing for me to handle because I am not authorized to make rulings; but it seems to me that from what I have listened to that the amendments and corrections have been read into the record, isn't that correct, Mr. Amehan?

LiR. ALCHAN: As I understood the record yesterday, part of it was read, part of it referred to the original, part of it went again to the supplemental statement, and then back to the original; and I was unable to know what the continuity was.

THE COURTSSIONER: Well, all you want then is something with continuity, isn't it?

MR. ALCHAN: I think as the record stands now, since we have the A September interrogation in evidence as Exhibit 2300 --

MR. AMCHAN: As I understand now, Dr. Boettcher now agrees to offer in evidence the supplemental statement.

THE COMMISSIONER: Which has already been read into the record,

MR. AMCHAN: I am not sure about that. I do not understand that
to be so. I prefer to have the document as such in the record since
we are putting the interrogation in the record; and as I now understand, Dr. Boetteher agrees to that, and I think that obviates or
solves any problem that did exist a moment ago.

THE COMMISSIONER: Then you are agreeable to anything that $D_{\mathbf{r}}$. Boettcher may offer as the supplemental material going into the record, sight unseen?

MR. ALCHAN: No, I understood Dr. Bosttcher to agree just now "
show me that, and we will mark it for identification, and then have
it sent to the formal processing.

THE COMMISSIONER: Then you will make an agreement outside of this session?

IC. ALICHAN: I understood Dr. Boettcher made that agreement on the record, if Your Honor please, so the record is quite clear to that.

THE COLLISSIONER: Very well, if the record is clear, we will go should with something class them.

DR. BOETTCHER: Yes, I shall hand over the document for identification. I am submitting a document which I designate as Krauch Document Number 300 and which represents a copy of the interrogation of Dr. Ritter on 4 September 1947 by Dr. Hailbrunn and which beers handwritten corrections by Dr. Ritter on pages 4, 5, 5, 7, 5, 9, 10 - pardon me, 11, 12, 13, 14, and 15. Perdon me, just one moment please.

All right, now, Mr. Commissioner.

looking at this document, I understand that to be the following: This is the typewritten copy of the German which Dr. Heilbrunn delivered to Dr. Ritter; and to this typewritten copy, Dr. Ritter has made changes, corrections, and additions, so that this document which Dr. Boettcher is offering as a arauch Exhibit will be — and I am only inquiring, my understanding is that this document will be the typewritten interrogation which Dr. Heilbrunn gave to Dr. Ritter and which is now submitted as being Dr. Ritter's modified, completed, and corrected version of that interrogation, is that correct, Dr. Boettcher?

DR. BOETTCHER: I cannot say. I have to ask Dr. Ritter about that.

NR. ALCHAN: I might suggest, if we could formally ask him to off the record, then we could have the matter cleared up in a moment.

THE COLLESSIONER: Well, go shead and do that.

COURT V. CASE VI 17 Mer 3-6-1-W-AZH-Perrin (Lea) COMMISS N

DR. MOFFLANN: Air. Commissioner?

THE COMMISSIONER: Yes.

DR. HOFFMANN: Before, I reserved the right to take a position as far as the suggestion of the Presecution is concerned, and before the decision is rendered here, I would like to make my attitude clear once more. I am asking the Presecutor whether he agrees that what he shall later consider the consolidated and correct version of the witness! testimony or whether he also includes in this the changes which Dr. Ritter made yesterday in answer to my questions in reference to the position of Ambres to the Karinhell Plan.

If . AlChali: The question that Dr. Moffmenn addresses to me relates to app mising the value and the neight be attached to anything that the witness said either in the interrogation as represented in the document or ord r. New, when Dr. Moffmann interrogated the witness, whatever he sai is in the record, and it is senothing for the Tribunal to weigh it and give it whatever importance the circumstances require.

THE CONSTINUEN: Woll, now, I as going to say this. I am going to ask you gentlemen a few questions in regard to this thing to see if it is clear in the record. I think I understand what is happening. You have offered a certain exhibit, Presecution Exhibit 2300, and it has been admitted in evidence. The witness has testified that he has made certain additions, corrections, and supplemental statements. He has reduced those statements to writing. His counsel has offered that writing in evidence as Krauch Document Number 300. Now, then, that means that the whole record is plainly within the — all those documents are now contained in the record, and they may be examined for what they may be worth. Now, is there anything further to discuss on this at all?

HE. AMCHAN: The only thing open is, I did put a question to Dr.

Boette er as to my understanding of the nature of the document, and I

think he is about to state whether I was correct as to my understanding
as to what Krauch Exhibit 300 is.

THE COMMISSIONER: I think he testified that these were additions,

OMET VI GASE VI 17 Ler 48-5-2-11-Abit Perrin (Lot) NUL ISSION

out you may set the quanties if it own be consered writing.

BE. SCETTCHER: Hr. Commissioner.

THE CHE ISSISTER: Yes, Doctor.

this things. The simplest may is by giving this document to the Promocution, and they can do with it what they work, and I withdraw the axhibit.

THE COLLEGISTRE YOU AND Allege the combit?

DR. S.ETTCHER: I withered it is a Trush addibit, and I have it to the Prospection who already much have blood corrections in their bands. Now, it is gotting the corrections, and I A ove it up to blair follows to do with it as they are fit.

THE OCCUPATION VOR THE

ovidence as Prosecution Salabit 2301 bids becamen marked NT-18800.

THE COMMISSIONER: York sould, is may be admitted I will take that, the hard. Have you something, Dr. Hoffmanny

IR. HITTIMEN. I west unfortunately may that I must object to this.

TT TO IT LETTER . THE ON one per objecting to?

DE. HOFFICKE: I object to the form of the Abenduct.

THE COLISIONER: Talch one is that?

DR. HOTELLED: Into document, it. Commissioner-

THE COLLISSIONER: 2301?

DR. SOFFMENDS: You.

THE COM ASSISTER: Very will,

DR. HOFFIRM: This document does not have the form prescribed hare.

It is a copy in which the natness Ritter without the prescribed form

made remarks. It is not a document such as it has to be when it to be
be submitted to a commissioner or to engene else designated by the

Tribunal.

THE COMISSIONER: Your objection is in the record, Dr. Hoffmann,

COURT VI CASE VI 17 Mar 48-5-3-M-AEM-Perrin (Los) COLDISSION

LR. AUCHAI: May I put two questions to the mitness, and I think that should end the matter.

THE COMMISSIONER: Do you really have to put anymore questions? The nave covered this ground very fully. I will passit it if you have brief.

R. ANCHAM: I think it is necossary.

THE COLL LOSIONER: Go aboad tomy.

PECTOSS TERTINATION - Continued.

BY LR. MACHANI

- evidence as Prospection Exhibit 2300? Mill you please look at that document? I hand it to you now.
 - A. Yes.
 - Q. You have Exhibit 2001 before you.
 - A. You.

TFE COLLEGIONER: Nr. Titnoss. Ask him if he seem the numbering.

IR. ALCHAR: I was about to ask a few questions to particularly identify that document.

THE OCH ISSIGNER: All right, you may proceed which that, places, by LR. ANDRES:

- many pages, Dr. Pitter?
- A. That is Presecution Document NI-148CO. Exhibit 23CI is not listed on there.
- Q. That is the same document we are talking about, NY-14500. Form
 - A. 15.
- q. Now, is that the document about which you testified as containing your stalltans, sharper, and as facts, as in the reservoir.

- A. Yos, that is the document.
- Q. And does that document represent what you believe to be a true version of the interrogetion?
 - A. Yos.
 - R. AUCHO: No further questions, Hr. Commissioner.
 - 13. HOFFMANN: Hr. Corndssioner, may I only say for the record-
 - I E COLLISSIONER: Yos, Doctor.
- D. HDFFMAM: that I agree to the identification of this document by the Prosecution, but that in agreepinion the identification says methday about the setual introduction of the document as evidence.

The COMMISSIONER: Very well, Doctor. Has either Defense or Prosect Los any Author questions to put to this witness? Hearing nothing, I will excuse the witness from further attendance.

(The witness was excused.)

THE COM ISSICHER: The film will run out at 11 e'clock which is our customary recess period, and there are no further witnesses to be heard on this call; but I understand that a Hr. wan Book will be here this noming. Do you know if we is in attendance, Hr. Prescenter?

R. MiCHAN: "I have seen him, and I have seen Dr. von Metalor, his att rnoy, and as far as I understand they are ready to proceed after the recess.

THE COLLISSIONER: That is Mr. van Book going to testify on?

. R. AlCHuit Ho is an afficunt of Gajowski, and I will give you in a mount the affidavit that he is going to testify on.

I I COMMISSIONER: Well, I was thinking more than anything else as to do long; counsel now present whether or not they have any interest in his oxnaination. They have indicated they have no interest and their clients, the defendants now present, have no interest? Very well, then this hearing will be recessed until 11:10.

(A rocoss was taken.)

17 Ner. ho-W-GJ-9-1-Richaell-(Korn)-

The farmers will be the contract of the first section of the again in section.

THE C TO ESPICION IN Any there may matters of which the production to the detends with to make a record? News you possibling to any law Southebour?

DI- TOTTOFFER: Tong MSF.

THE CARTESTYRAGE BOX COME TON, Dec. Manufactor

The Markette in view of the fact that the situate Was Book for at leave in any and on the craim of an agreement between propagate and Mr. Wer with the come extended in of all we make as so that place now, without a many-time book look naving been given, I specially the Greened to that sink Mil the rights of the rule of second course country.

THE COMMISSIONER of the invalved, well you, for the perpent of the retaining reports of the defendance presents:

This is in in the defendant, Objected, is present in the properties.

This is in in interest of the second of the properties.

The defendant, Objected, and this is a defende whitnes of the properties.

tires contratted

Mr. To maide Die ein

THE CULTISH RELY Too say with its the of there.

MITTER AN IVA, a whences, with thes that the testified os fullar.

Tilled Indiana: er unteren, you will prome calle your mint.

I swear by God, the alonghly and Cartarient, that I will speak the pure truth, and will withhold and add avining.

(The witness repeated the math.)

THE C'es ISSIDE is lithess, you may be scated. In, were Macader, just one noment planse, Mr. Witness, before we start the examination you are advised that it is right to speck and testify fully and impaly in resource to any questions that are sained you.

in Sarabo-r-Gü-y-S-Bushmalı-Court & Capriz siya

Sinever, it is the desire of the Tribunal that you make your ensure brief and direct, and avoid any unnecessary concent. You may be assured that if your answers are considered incomplete, that the consel who is interregating you will ask other questions. Now, before you there are the lights a yellow light and a red light. When the yellow light is flashed, that indicates that you are specking for fast and you should show down. When the sed light flamps, that indicates you should sop until you are directed to proceed further. Give a sufficient interval between questions and armor no that the translation can seem though both to you and to the Commissioner, and for the research.

You may proceed, Dr. Ven Hetaler,

DIRECT PARTILIATION

BY DR. Voll William for the defendant, Gajovski.

Q Wilness, places state your fall name and date of birth for the record.

A der nuce in Hednerich Van Beek, and I was been the 19th of starting. 1892.

Q Vitness, an the 2nd of February, 1925, you made an affidevit which was introduced as Sajowski Bocument 43, for the defendant Dr Sajowski, and was offered as Exhibit 16 Gujewski, in this courtroom, I now ask you, did you discuss this affidavit with me thee more justaraby?

A Yes.

4. I further ask you do y u want to make may additi no or eranges in this afficavit?

A No.

Dk. VON LETTICA: The witness is aveilable to the presecution.

THE COMMISSIONER: You may cross-excentro, Br. Amehan. Ar. Amehan, I will say that I have not found a copy of the affidavit from which this witness is testifying among my files, and for that reason, if any question is raised, I will have test to borrow yours.

the affidavit is contained in Gajewski Document Book No III, it is

Gajawski Exhibit 18, and it is Gajawski Document No. 43, an affidavit of Heiprich Van Beck Bee-c-k.

THE LOS ISSIONER: I will have to depend on you, Mr. Amchan. to stay within the boundaries of the affidavit, I will be unable to check it. I will have to leave that to you.

Mr. Wollaw: I will bear that in mind.

THE CONTISETMENT: All right, thank you.

CROSS EXAMINATION

by L. L. L. GERNI:

Ifr. Van Book, you state in your affiduvit that in 1933 and 1934, the N si Hegima took up an expansion of its fiber production program, is then right?

A Tos, that's right.

of time, despite the insistence of the Nexi Government, that Farbon increased its facilities for the production of synthetic fiber? Farbon resisted and declined to expand its facilities — do I correctly understand you'to say that?

the Reichs Ministry of Economies, through its representative, Von Kuppe, uried a program of fiber production with a yearly production of 100,000 tons. This program was discussed. I.u. Ferben then stated its opinion to this suspection of the Reichs Ministry of Economics to the effect that Dr. Gajewski sant a memorandum to the Reichs Ministry of Economics, and as far as I recember, this semerandum envisaged a fiber production of 50,000 or 56,000 tons per year.

whether or not it is a fact that Farben at that time declined to expand its facilities for increased synthetic fiber production -- is that right?

A No. Farben did not refuse to expand its fiber production. At that time the situation was that we were the only producers of fiber in Germany. 1º Mar. 15-16-03-9-6-Busanell-Court 5 Commission

To had introduced the se-entired Wistra Fiber, and we had a constin deficite production program which in 1953 and 1934, if I remarks: economicy, was corrian out without consultation with and without intervention from the Ecoha Ministry of Economics, of you can free will.

Q librit do you meen in your afficavit when you state that Filmen that to the issue -- I mesure you mean with the Name Coverament -- not expressed the uplicate that such an expression sould not be justicated? what do you mean by that?

A A moon that the market was not you ready at that 1840 round, My to elect 100,000 town.

I have though the More Covernment throught that market was ready.

I.G. Farbin throught the market our not roady, in that entrance

A Yes, you can orgress it this very

did not Sallur to a Nazi policy of expending to the distriction on the that right?

a Will, I must report your and over again --

Q Flores, Mr. Withouse, it is not necessary or report. It is either right or not. If you have already season ut, I think you have surely season ut, I think you have sufficiently a sewored. Was and less question a correct absorption. The mas it not?

A Well, this question can't be ensured thoway you put it.

- Q. Well, now, look at your affidevit again. After stating that in 1933 and 1934 Farbun took up the issue with the Nazis and expressed the opinion that such an expansion could not be justified you proceed in your affidavit to state that Farben subsequently conducted its policies accordingly. Now, I ask you, Mr. Witness, when you refer to "subsequently", do you mean the period after 1934?
- ben, in the period following, acted accordingly, is that correct?
- Q. My question is: when you say in the period following, do you mean the period following 19347
 - 4. Yos.
- O. Now, when you further state that Parbon acted accordingly, do you mean that Farban continued to decline to expand its facilities for the production of synthetic reyon?
- i. Forben didn't docline. I told you already that we had a certrin definite program which we carried out. However, we didn't carry
 it out as the other concerns did which subsequently concerned themselves with the production of rayon, because they were built up with
 Reich funds. Forben built up its factories from their own funds.
 - . Who wes Hens Kehrl K-c-h-r-1?
- . Hers Kehrl was the Prosident of the Chamber of Commerce of Cottbus, and if I remember correctly, he joined Hitler's staff later on and still later became general consultant in the Reich Ministry of Economics in Borlin, and in this capacity, he concerned himself with cellulose and artificial rayon.
- Q. Is it correct to say that Hans Kehrl was the Government official of the Reich, in charge of the production program of synthetic rayon and related paterials?

DR. VON HETZLER: Objection, Your Honor. The name of Hans Kehrl, as far as I can see, is not mentioned in the affidavit. I think the question is beyond the scope of the affidavit.

THE COMMISSIONER: Do you have something to say to that, Mr. Imchan?

MR. MICH W: Yes, very simply. I think counsel for the defense misconstrues the nature of the cross examination. The affidavit deals with Cajewski's participation in the synthetic production program. When the witness makes an affidavit covering that subject matter, the field of inquiry is open to us on that subject matter. Now, then, if a Government official is involved in connection with the subject matter as to which this witness gave an affidavit, the fact that this witness does not mention that official would not preclude us, in our view, from inquiring as to the subject matter of the Government, in its relation to Ferben, as to this program, because this affidavit specifically refers to the Nazi Regime's program for the production and increase of synthetic rayon, and he buts in his affidavit that they teld the Nazis, and took issue with them, as to their program, and they did cortain things. The subject matter, I think, is open to us on cross examination.

THE COMMISSIONER: The record will show the objection and also the snawer to it, and you may proceed with your question.

EY IR. DOWN:

- Q. Ur. Witness, do you repumber the last question?
- No.
- 1. Is it true that Hans Kuhrl, during the period, say, 1936 to 1939, was the highest official of the Gorman Reich in charge of the production program of synthetic rayons and related products? Is that true?
 - .. I ssauma so, yes.
- O. Do you know that Hens Kohrl, as such government official of the Boich, requested Gajawski, as a representative of I. G. Farben, to expend his facilities for the production of synthetic rayons? Do you know that?
- A. I can't testify about synthetic rayon. That wasn't my sector.
 Wy sector was cellulose and asetate rayons.
- @. Well, in the field of your sector, do you know that Hens Kehrl saked Grjewski, as a representative of Ferben, to expend his plant

facilities to increase the production of the products within year occ. +?
Do you know that?

L. I can't answer this question exactly, because I was not present when Dr. Gajewski had this conference with Mr. Kehrl. All I know is that there were some differences concerning chemical matters between Dr. Gajewski and Kehrl, concerning the expansion of the collulose production.

The you know whether the differences between Hans Kehrl and Dr. Gajewski related to Kehrl's insistence that the Parben facilities be expended for this production, and Gajewski's insistence that they be not expended? Do you know that as being the nature and cause of their difference?

THE COMMISSIONER: Just a moment, now. There will be an objection here, witness.

DR. VON NETZIER: I must object to this quantion, because the *1leged differences between Kehrl *nd the defendant are definitely not the
subject of this effidavit, and therefore, I most definitely object to this
question.

MR. TMCH M: In reply, I would state that since the differences that we are sucking to interrogate the witness on relate to the subject of expansion of plant facilities for the production of the items referred to here, it is a field upon which we may inquire, because the subject matter in the witness' affidavit is with respect to the field of the expansion, or refusal to expand, Farben production facilities for the production of synthetic rayons and synthetic collulose, or related products.

THE COMMISSIONER: Your theory, then, is that the questions you are asking in that respect era directly connected with the facts testified to in the effidevit?

IR. ICH/N: That is our view, that they are directly connected with the subject matter.

THE COM ISSIONER: The record will show the ergument of counsel in this matter. You may proceed with the examination.

SE DE. SICH ME

- Q. Do you recall my last question, witness?
- ... Plasse repost it.
- Tahrl and Gajawaki related to the insistence on the one hand, on behalf of Hans Kehrl, that Farbon expand its facilities so as to increase production of synthetic rayon, collulose, and related products, and Gajawaki, on the other hand, equally insisted that Farbon would not undertake such an expansion program? Do you know that? Did you understand the question?
- A. Woll, I don't know expetly what this was all about. All I can say in that I do know there was considerable friction between Dr. Grjawski, and Dr. Hens Kehrl. Whether this tension was the result of the questions you just put, I don't know. As I told you just now, I wasn't present during those conversations.
 - Q. Did you have those matters discussed when you were at Farbon?
- A. Yes. Plasse trke the following into consideration: these metters took place twelve years or more ago, and I am not prepared for these questions, because I don't think my affidavit gave cause for those questions to be put.
- The Noll, now, in your efficient you seem to remember quito distinctly that in 1933 and 1934 the Nazi Regime set up a program for the expansion of fiber production. You remember that distinctly in your of fidewith I am asking you now —
- i. Yes, I remember that quite distinctly, but this schodule was not the up by Herr K nrl, but by Herr Kuppe. The is what I said at the bo-
- I ask you now, Mr. Witness, do you also know that after 1936, the Mari Regime accolerated its program for the expansion and increase of profection of synthetic rayon and cultulose? Do you know that?
- A. Ifter 1936 in the period after Mr. Kehrl had been appointed —

 ≈11, I want to say that the question of expension of cellulose production

was never negotiated with us so much as with the firms which started this production with Reich-owned funds.

- The state of the second of Medical and second to his respension program of Medical after 1936, and refused to accord to his requests for the expension of production facilities to increase the production of synthetic regons and collulose, isn't that a fact?
 - A. Well, I have already answered this question, once or twice
- G. If you have answered it, could you please tell me whether or not that is or is not the fact, if you are so clear on the subject matter?
- ". I think my enswor is quite close. I say that we of Ferben had a cortain program which we get up ourselves and that we carried out this program, and that we didn't give up snything for which Horr Kehrl or snyone class in the Reichs Ministry of Economics requested us to do.

Wirt No. VI, Case VI - CONSCISSION

Q.- If you refused to do what the Reich Government officials asked

A.- Refused? I don't know whether that's the correct expression, We a regotiated with them and told them our opinion.

4 .- But you didn't do what they asked you to do, is that right?

A.- I don't know what was requested After all, they requested Dr. Gajewski whatever they wanted to be done, not me.

Q.- Well, you know that the Mazi Government officials after 1936 anted an expanded program to increase production facilities for synthetic rayons and cellulose? You knew that, didn't you?

A.- Yes.

O.- Now, did Farben or did Farben not undertake to expand its production facilities for that purpose?

A .- I must ask you --

O .- Answer that yes or no first, and then make explanation that you think necessary.

A .- I simply can't appear in the affirmative or say no.

Q.- Do you understand the question?

A .- May I point out the following?

Q.- Now, first, Ir. Witness, please, did you understand my question?
THE COMMISSIONER: Let me see if I can clarify this a little.

Mr. Mitness, Counsel has asked you whether or not Farben did or did not follow out the direction of the Nazi regime in regard to the production of cellulose. You understand that?

A .- Yes.

THE CONTISSIONER: Now, can you say yes or no to that?

A.- I am afraid I can't say yes or no because that is a question I simply can't answer at all.

THE COMMISSIONER: You may proceed, Mr. Amchan.

I thought I might possibly speed it up a little.

17 Harch-H-FI-11-2-Hasdorff (Int. Horn)
Court No. VI, Case VI - COMMISSION

MR. ALCHAN: Thank you. I thought that was helpful.

Q.- Now, in your effidavit you represent yourself to be the person is very familiar with the Parben activity on production of celluloce, isn't that right?

A.- Yes. Not the production but the ellocation — the allocation of textile and cellulose and the use of these products.

Q .- Well, are you familiar, for example, with production quantities?

A .- The quantity, yes.

Q.- Now, if you are familiar with the production quantity yards, tould you tell us whether or not Farben after 1936 increased its production facilities for the purpose of having increased production of synthetic collulose and rayons?

A .- Yes.

THE COMMISSIONER: He has answered the question. You may proceed.

MR. AMCHAN: The trouble is that I don't understand the answer.

A .- Well, you asked me, didn't you, whether after '36 I.G. increased the quantity of its production?

Q .- Its facilities, Its capacity.

THE CONGUESSIONER: He said he did.

Q.- And is your answer that Farben did increase its facilities and capacity?

A .- Yes. As my chart shows.

Q.- Could you tell me whether or not Farben went along with a Kerl program or did not go on with a Kerl program with regard to expansion of Production facilities?

A.- I don't know what the Kehl program looked like. I am afraid I can't answer that. I must repeat over and over again that we stopped --

MR. AMCHAN:

our profession.

No further questions, Mr. Mitness.

DR. VON METZLER: Dr. von Metzler for the defendant Gajewski.

17 March-M-FL-11-3-Easdorff (Int. Horn)
Court No. VI, Case VI - COMMISSION

REDIRECT EXAMINATION HEINELICH van BREK

BY DR. VON LETZLER:

Q.- Mr. Witness, I want to return to the situation you described in your affidavit and I must to try to clarify it.

Did I understand you correctly that Farben until 133 mes the sole proenter of cellulose in Germany?

A.- Yes.

Q.- Did I understand you correctly furthermore that Farban had its own production schedule for the expansion of cellulose production?

A.- Tos.

Q .- Is this expansion of Farben production as you showed in your chart
of from '21 upward, until 1935, similar to the program of I.G.?

A .- Yes, I assume so.

Q.- Very well, Them in 1933 the Government requested the expansion of cellulose production in Germany to 100,000 tens per year, did Farben them let itself be influenced through this request in the carrying out of its own production schedule?

A .- No.

Q.- Was the attitude stated by Dr. Gajewski in his memorandum — was this attitude kept by Farben until 1935?

A .- Yes, I think I can answer this question with yes.

Q.- The memorandum of which I spoke just now - was that the memorendum you mentioned in your affidavit? .

A.- Tes.

Q.- Thank you. As a result of Farben's point of view until '33 when Farben, 2 s you stated was the sole producer of cellulose in Germany, did the Government see to it that other factories started production of cellulose?

A.- In 1933? I don't think it was that early and I don't think it

17 March-M-PL-11-4-Hasdorff (Int. Horn)

was as early as 133. If I remember correctly, Parben was approached and was asked to start this production program of 100,000 tons per year, but meanwhile other firms in Germany had started to take a liking to the production of celluloce and during the conferences with Herr Muppe there were representatives of other firms.

Q.- Very well. The chart which you append to your affidevit shows, if I understand you correctly, very clearly a decrease — a decrease of the original 100 percent share of I.G., in cellulose production from 133 downward, until 166, to 16.9 percent from the original 100 percent.

A .- Yes.

Q.- May I understand this to mean that consequently other firms which had not — which had not produced cellulose before had taken over I.G. Farben's share?

A .- Yes. -

9.- I now turn to the year 1936. Do you remember, witness, what the plan was which was promulgated in 1936?

A .- If I remember correctly, it was 160,000 tons.

- 4. Excuse me. I'll come to that later on. What I wanted to ask you is the designation, the name of the plant which was proclaimed in Germany in '36.
 - J. You men the Four Year Plan?
- ountumplated within the scope of the Four Year Plan for the cellulose scetor?
- A. The first stage was 160,000 tens per year, but I do not remember the exact figure. I think I remember that it was approximately that.
- G. Thank you. Did Farban porticipate in this production expansion in the scope of the Four Year Plan?
- the function can't be answered simply yes or no. I must repeat ever and ever again that we had our production schedule, and may I explain that we were producing collulese according to the various chemical methods. We were producing it after the viscose process, after the cooper associate process and according to the meetate method. All those methods were used in various factories. And, in order to utilize the facilities of those factories, we, of course, had to produce a certain quantity of collulose, and this quantity was according to the development which we carried out—

 or, rather, the success of the development work which we had done. This must be understood to mean that we always held ourselves within the scope of a certain free occnomy. For one thing, we saw that a collulose with the necessary properties was produced; secondly, we saw to it that we had the right price in propertion to the result fibers.
- 1. Litness, and if I understood you correctly, you yourself can not tell us whether at that time increased its collulose production within the Iranamork of the Four Year Plan?
 - A. No, I do not remember that.
- T. Witness, do you remember that in 1938 the Government requested a further considerable expansion of collulose production and, if so, how high was this expansion?

- A. I do not know of that. As for as Forben is concorned.
- Q. I meen in general,
- A. Well, in general it was known that the Reich Ministry of Economics at that time got together with the other producers of colluless and discussed certain production schodules.
- Q. Then you do know in any case that in 138 = further expansion of collulose production in Germany was requested by the Government?
- i. I don't know whether it was requested or whether the new productors of collulose tried to produce more, I do not know. However, I assume that the Roich Covernment, of course, requested these production increases perhaps because, one to the emplicated trade situation we did not have enough foreign exchange in order to import a sufficient quantity of raw material.
- Q. Excess me, Witness, for interrupting you. However, I didn't esk you for the reason of the production expansion but simply the facts. I now eak you: Did Ferben from '38 on participate in a further expansion of collubes production?
 - A. No.
 - 4. Are you quite sure?
 - ". Yos. The chart shows it.
- G. Indeed. Does the chart further show that the rest of German collulose production from 1938 on increased considerably?
 - Yos.
- Thank you. Witness, one question in conclusion which concerns the memorandum you mention in your affidavit. Do you remember what the motivation of I.G.'s visupoint was for considering an annual production of 100,000 tons of 100,000 tons which was not occupantally feasible?

 iR. JECHAN: Objection. (Unintelligible.)
- DR. VON METHER: Well, I think I didn't ask the witness to draw a conclusion but I simply asked him about the contents of this memorandum, which motives were set forth in the memorandum in support of the viewpoint

of I. G., that a production of 100,000 tons from an economic point of view was not wise, and therefore I. G. would not recommend such an expansion of production.

THE COMMISSIONER: Now, Mr. Amehan, are you bejocting to the last suestion?

IR. MCH.N: The objection I mede to the lest question was on the ground that the question called for the witness's conclusion. Since I made the objection Dr. won Metaler has referred to, again, a memorandum which he states appears in the affidavit. Merely by way of inquiry, I would ask Counsel to indicate where the affidavit has a reference to this particular memorandum that this witness is being asked to testify about.

THE COMMISSIONER: Counsal, will you indicate where the memorandum is mentioned in the affidavit?

DR. VON METZIER: Wall, Mr. Commissioner, may I respectfully point to purgraph 3 of the efficient — I beg your pardon. Persymph 4 of the efficient. There it is said, the second sentence, when in 1933 to 1934 the Mani regime set up its first program which provided for a yearly German collulose output of 100,000 tens, Ferben too up the issue and expressed the spinion that in view of the buying power of the market and for other economic reasons, such an expension could not be justified. I think it follows from the sentence that there has been a memorandum.

LR. ANCHAN: I think I could simplify it. If Dr. von Metzler wents to out in the Farben correspondence in support of the witness, I have no objection.

THE COMMISSIONER: I trink the record on this matter is sufficiently clear, so that if the — if it cames before the Tribunal for a decision, the question has been clarified so that they can make such decision. I think we should proceed now with our interrogation.

MR. MCHAN: May I, if your Honor please, just to clear up an ambiguity which is in my mind.

THE COMPHISSIONER: All right, by all meens, Mr. Anchen.

issument. The document has not been identified; it's not present in each. The Prosecution hasn't seen it, and I am informed by Counsel for the Defense that they haven't get that document present about which they intend to interrogate him. Now, under those circumstances,—in our view, it is objectionable to interrogate him about any document which is not physically in existence for counsel to see.

THE COUNTSSIONER: Unless they show that it's a lost document.

Voll, do you wish to pursue this line of inquiry any further, Dr.

von Matxler?

DR. VON :ETZLER: Well, Mr. Co missioner, I think I am within the scope of the efficient if I ask this question, because the witness montions this perpendum and therefore I think I am untitled to put the question about the motives.

THE COMMISSIONER: I don't see the -

DR. VON HETZIER: Bucques he indicates in a broad sense already these motives in his efficient.

THE CONSCISSIONER: I can't see the - I don't see thy montion of the comparends in the effidavit.

You may proceed.

DR. VON METZLER: May I ask a short question in this connection?

- 9. Do you know the content of this memorandum? Do you remember it?
- .. Yes, I think I remember the contents.
- 9. Witness, do you know who signed this document this mamor indum?
- . Probably Dr. Gajewski.
- C. Do you know when this memorandum was sent off?
- ... Presumebly in 1934.
- Q. Osn you now enswer my question what the motives were for the I.G's rejecting the request for the incressed cellulose production?
- The Purely economic reasons. Namely, in consideration of these mat-

properties of collulose must be considered — the process must be considered and all in relation to the natural fibers, such as qual and cotton, and so forth. May I point out very briefly that collulose should eastern shortcomings in spite of cartain adventages. In particular its sweetland moisture resistance were't very good.

G. Very well.

DR. VON MEIGHER: Phis, Mr. Commissioner, concluses by redirect.

THE COLDINATION That is very apportune, Council, because the film is about to excite, in five minutes.

AND MINE I would just like to make a formal mation for the record and that is we make to strike from the record all the testiment of the witness relating to the document resum which he supports to testify a the ground that the documents not physically arosent, was not accordy identified, was not mirror for identification, was not offered in ordered, and the face there is no hash upon which anyone can tell what the document is that the witness has been tiffed about, and on these grounds as more that his testimony be shouten from the record.

THE COURSETCHER: The record will so show,

Thurs is nothing further from this witness?

Tipo witness is avecand.

(The witness was mysised.)

THE CONSISSIONES: There will be a bearing temperature morning on the efficient of one Dr. Charles Sendel, et 9:30 in this courtroom.

Dr. Cherles Bandel, on Exhibit 1811, Dogument Ri-11,953.

We are edjourned until 9:30 tomorrow morning.

(The Commission adjourned until 0930 hours, 18 March 1948.)

17 Warch - W-LU- 1-1-Mills (Int. Katz) Court VI - Case VI

Official transcript of Military Tribunal VI in the matter of the United States of America against Carl Krauch, et al., defendants, sitting at Muernberg, Germany on 17 March 1943 Judge Curtis G. Shake presiding.

THE MUSHIL: The Honorable, the Judges of Military Tribunal WI. Military Tribunal WI is now in session. God save the United States of America and this Monorable Tribunal. There will be order in the Court.

THE RESIDENT: Ir. Marshal, you may make your report.

THE LANSHAL. May it please your Honors, the defendant Haefliger is absent because of illness. The defendance Jachne, Jurster, Gajewski, Krauch and Ambros are excused by the Tribunal.

THE PRESIDENT: The defendant a Kinach and Ambros have been excused to attend the Conscission meeting. The defendant Raefliger has been excused due to illness. The other defendants are excused at their requests to prepare for their defenses. Any amountements from counsel for the defendants? Anything from the prosecutions Then you may continue with your exemination of the defendant in the box.

DIRECT EXAMINATION (continued)

97 DR. MATN:

- particularly your memorindum about the proportion of exports. I have one more question in regard to that point. Did you draft that memorandum from your own initiative?
- this memorandum upon the suggestive provide aid delegate in the Foreign Trade and Currency Committee of the International Chamber of Commerce in Paris, State Secretary Retired Dr. Trendlening. Trendlebog was at the same time the chairman of the Trade Political Committee of the Reich Economic Chamber.
- and directed the entire German exports?

- A. The Reich Linistry of Economics.
- Q. How did this control and direction become apparent in economy and according to what aspects was it undertaken?
- A. Just a few cases here. Orders to the export firms to give preferred treatment in deliveries to certain countries and to carry out
 certain business transactions with a priority. The preferred countries
 were chosen according to those aspects as to what countries furnished
 important food stuffs and name materials and above all what countries bring
 in unifosen foreign exclarge.
- O. Were there countries mentioned directly by the Reich Ministry of Sconomics?
- Reich Ministry of Alexanderics, and those countries that brought in free foreign exchange were listed at the top. They were the United States, Canada, the Argerithnes, and a whole number of other countries.
- Q. Did it also happen that the Reich Ministry of Economics suggestindividual business transactions that were interesting for bringing in
 foreign exchange or for foreign political purposes? Did they name certain
 firms to Ferben, for instance, with the direct order or the direct request
 to carry out such transactions?
- such cases in their documents. I only name one document Exhibit 764, in Book: Number 41.
- Did these frequent requests of the government disturb Far'own in the subsequent course of their business?
- A. Yes, absolutely. For that reason we tried to explain to the official agencies that we were already doing everything we could and we occasionally made certain reports to the government in that direction and there, of course, we emphasized our achievements in the favorable lights as required by the government. This is particularly true in the case of Prosecution's Exhibit 765 Book 41.

17 March - :- U-1-3-: Ills (Int, Katz)
Court VI - Case VI

- Q. In order to conclude this chapter I now want to ask you,
 Dr. Ilgner, did all this promotion of exports have anything to do with
 measures for the preparation of a war of aggression.
- A. Doctor Math, I can't understand at all how one can reach such a nonclusion how one can have such an opinion. Even an analysis of the overall Gorman exports will show that the share of raw materials important for armament such as iron and other metals constituted only a small fraction of all of German Exports. The problem was an entirely different one.
 - Q. You said exports. What you actually meant was imports.
 - A. Yes, that is right.
 -). Could you please explain that to us ?
- A. The natural counterbelence a plant radical tendencies to acquire raw materials of pertain countries by force the natural counterbelance to acquire such things is a sound German export which will gain for Germany the necessar; foreign each more which it made for the imports of the necessary raw materials and especially the food stuffs. Hungry stomachs are always troublesoms. Satisfied people don't give any trouble. Therefore I saw the strongest necessity for the maintenance of peace in the sound export of Germany.
- entitle propaganda. I mant to discuss with you the so-called "F Circle" the circle of economic leaders. On page 54 of the trial brief it says -- the President, may I point out that the pages in the trial brief in the English and German are identical I quote "In 1933 immediately after Hitler is ascension to power, the defendant Ilgner, supported by the defendant Gattineau, collected a program from the industrialists to be spread abroad, a program of propaganda with the intention of carrying it out for the new Germany. A circle of economic experts was gotten together for this purpose." Is this assertion correct? That can you say

- A. No, this assertion is incorrect. The initiative emanated from the then State Secretary in the Ministry of Propaganda Funk, who later became the Dinister of Economics. Funk was a journalist. Neither my initiative nor any support of Dr. Gattineru existed. To didn't want to make Masi teopaganda but we were worried about German exports.
- Q. Do you mean a porticular concorn about this ? What was your cause for this concorn or worry?
- A. The boycott of the Jows which was organized immediately after the ascension to power which again influenced a boycott of Gurman products all over the world and particularly in the United States. The worry of leading economists that the Nazis were not properly informed how the foreign countries equally reacted to their measures. That was a reason.
- Q. On the constion of your explanation for the promoting of export
 you already named to us the leading circles of economists. Were the
 representatives of the leading export firms called into the F Circle?
- A. You, quite briefly I can state approximately twenty-four firms represented approximately one half of German exports and those few export firms represented particularly at that time essential nor ice of German export business. Bosides Parton they were lienens represented by Dr. von "interfeld; the Alkali Syndicate represented by Dr. Diehn; the Central European Economic Diet represented by Dr. Hahn; and furthermore the foreign banks represented by Otto Christian Fischer, and the insurance system by Dr. Ruperti. There were a few others.
- you now to tell me what were the tasks of the circle of economic leaders.
- A. I forgot to mention something just now. I wented to say that Mr. Diehn was a well known man internationally because of his French alkali interests; perhaps one of the most international economists we had in Germany. Mr. Max Hahn already belonged to the resistance movement since 1933 and was a close friend of Edgar Jung who was shot on 30 June 1934 by the Gestapo. Otto Christian Fischer is a well known name in Germany as an

17 March - M-LU-1-5-Mills (Int. Kats)

International anglo-marican banker. He is the old president of the Banking Association. None of these people belonged to the Party at the time. These were not concrete tasks that we had. It was the fashion of the 3rd Reich to have existent these counsel are not followed. We, however, wanted to point out the effects of the Patients Socialist measures abroad. We wanted to achieve that the mistakes were done assy with at home,—
that is to say to have these assaures provented as for as possible at home.

OCURT VI CASE VI 17 Har 48-2-1-4-AEE-Mills (Nata) Q. Did you yourself try to bring it about that these mistakes mere atopped? A. I believe that I inde that very clear. My trouble is not that I am not clear enough. For instance after my Scandingvian trip I expressed to this 7 Circle the inpressions I gained on that trip. I told than about the protest against the change of the flags -- the old General Demar told me about it. I told than that the many uniforms that people more mearing in Gen any created a militaristic impression. J. Go t little more slowly, in. Higher. a. I told them that this boycott against the Jews was not understood at all abroad. I told them of the effect that Goering's letter to Booteborg had. Everybody lamous this story who lived in Europe. And last but not least I told that if such people were sent to Scandinavia as Gooring was sending up there, what then one smould not be surprised that the German amort was being damaged. I told them of the negative attitude of the foreign press country the 3rd Reich quite clearly. I told then what the world was actually toloring and I didn't paint a rooy deture as it was custowary in the Third Reich. Q. What was the ? Circle's attitude in regard to propaganda? A. They rejected it absolutely. We were tried and proven foreign economists the knew well the reaction of the world to propaganda. I knew that propaganda in America means nomething else than it does in Germany. For that reason to objected against these methods and even against the name that the Propaganda Himistry had given itself. Q. Were your advices co plied with? A. Almost not at all and that was cussed by the fact that all the Propaganda Ministry was staffed with small people that were jealous of the big slots. They knew everything better, they thought. They contradicted any suggestion that didn't run with their ideas. Any reasonable idea they rejected. Resides that there was a tremendous confusion in all sorts of organizations at the time. Q. That do you mean then you say the confusion of these organizations. 9382

- A. I wear in particular the so-called interstate organizations that all acted on their own initiative. The leader principle was understood that everybody was to be his own little leader. They should have taken care of the fostering of cultural relations and should have left their hands off propagands. That was our opinion. For that reason I had a large survey chart hade in my office to show all those people who were now concerning themselves about these things and I showed that whart to Mr. Funk sometime.
- Q. Would you please explain that survey chart a little more clearly. Whad you did with that?
- A. I drafted that with my colleagues from industry and economy. I showed it to them and we were of the opinion that these old and decent people who were working on cultural matters should be protected against the Party and that the experiences of these old experts who knew foreign countries should be esteemed and that overstaffing and overorganization should be avoided. But in order to achieve that one had to make constructive suggestions in the Third Reich if one manted to have success at all.
 - . Were discussions hold in the Propaganda Ministry?
- A. Yes, these were the so-called F Circle meetings or discussions. In the beginning Mr. Goebbels participated a few times and later Mr. Funk presided. But for us businessmen it was much more important to see that we agreed on certain things, not during these meetings but when we were among ourselves in order to represent the interests of export business uniformity.
- Q. Can you please tell me how frequently these F Circle meetings took place in the Propaganda Limistry under the chairmanship of Goebbels?
- A. I generally have a good memory but this is an old story that is buried and forgotten. But if I remember correctly it happened on two or three occasions with the chairmanship of Goebbels and just as often under Funk's chairmanship. Goebbels masn't stupid. He looked through the whole stroy right away and he lost interest in us. He was vexed. He called us the clique of capitalists that only criticised.

He called us criticisers and he withdrew from this entire circle very quickly.

- Q. Did the economists among themselves have their work divided up?
- A. Yes, we did that, according to those countries that each individual knew particularly well. Nr. Diem knew East Asia. He took over that part of the world. Nr. Ruperti treated the overseas business. He had South and Central America and the British Empire. Otto Christian Fischer took care of England and the Low Countries and Belgium and Switzerland. Dr. Gattineau took care of the Scandinavian countries and I concerned myself with the United States and Prance because I had travelled much in the United States until 1932.
 - Q. Did you ever speak to Goobbels confidentially?
- A. Yes, I remember concretely one discussion that I had at the request of all leaders of the businessmen. That is the F Circle.
- Q. You said one concrete example. Can you explain to me what that agans?
- A. I already said that yesterday. That was in nonsection with the Jowish question. I had one particular tangible point I wanted to discuss with him and that was the paragraph about Aryans of the German-American Association Carl Schulz. I asserted my point of view that this paragraph was not incorporated into the by-laws. I had one further point. There may have been a few more I don't know any more but the important point was that on behalf of all business people I complained to Goebbels that the little people, the so-called referents, counteracted our measures all the time. That was an unpleasant task but in my life it happened frequently that I was asked to take over an unpleasant duty.
- Q. Can you remember any other problems that you raised in the F Circle?
- A. Not towards Goebbels alone in the F Circle, but two more points that I was concerned about particularly. The League of Mations and the Rotary Club.
 - Q. What point of view did you hold?

A. I had many friends in France at the time — I always had — and I knew the opinion of the French. I said quite clearly that it was a great mistake to resign from the League of Nations — that we should maintain that platform, but when we resigned, nevertheless, I was very distressed about it. I considered that absolutely wrong. In regard to the Rotary Club, I became a member of the Rotary Club after 1933, after it was no longer considered the thing to do, and I joined on the request of Rotary. Rotary, just as the Free Masons, was not well esteemed in the Third Reich. I intervened very actively not to have the Rotary Club dissolved and I tried to convince Coebbels. I participated on a trip with Austrian and German Rotarians to Norway. But just as everything else in the Third Reich, one was talking against a blank wall and in two years it was dissolved nevertheless.

- Q Taking the whole thing together, was the F Circle active?
- A Unfortunately not. It became less and less active so that after one year, in 1934, it stopped altogether.
 - Q What was the cause for this dissolution?
- A On the 30th of June 193h many of us were strongly suspected. Hax Hahn I have already mentioned because his friend, Edgar Jung had been shot by the Gestapo. He belonged to Edgar Jung's intimate circle of friends. Gattineau was nearly shot by the Gestapo. I myself heard from friends in the circle of Bruening's friends that I was on the list along with the General Schleicher who was shot by the Nasis. Ruperti and Winterfeld, too, had difficulties later and were thrown out.
 - Q Did the F Circle ever become reactivated?
 - A No, never.
- Q I now turn to something else. That is the subject, Ivy Lee.

 Trial Brief on page 55, your attitude towards the foreign countries—

 Trial Brief on page 84. First, who was Ivy Lee?
 - A He was one of the leading publicity agents of the United States.
 - Q Were there such institutions in Germany, too?
 - A 150.
 - Q When did you make Mr. Ivy Lee's acquaintance?
- A In 1929 in connection with the incorporation of the American

 1. G. Chemical Corporation.
- Q Can you describe to me the circumstances under which you made his acquaintance.
- A Yes. At that time the former alien property custodian from the World War I, Frank Cardener, at the occasion of the foundation of the American Chemical Corporation, made a strong attack against Farben and American I.G. This article was entitled, "Cui Bonum" For whom is it good? At that time I talked to a colleague in the Board of Directors of the American I.G. as to what we were to do against it. We were very unpleasantly attacked, pertcularly Farben, and I talked to General Hermann Matz. That gentlemen told me: "Talk to the city company," where I talked

To Robert Byrnes and Robert Byrnes said: "You have to go to the boss."

I w not to see Charlie Mitchell, the president of the National City Bank, also on the board of the American I.G., and he said to me: "Don't worry about it. Don't get excited"; but he said; "You can talk to Walter Teagel, the president of the Standard Oil, and other industrialists. He can tell you," he said, "whether this had to be taken seriously and, if so, what I should do against it.

Q Was any agreement concluded?

A Yes. I went to see Teagel and he said: "You are not well known. You Farben people, nobody knows what you are doing; you have got to make some publicity first." He explained to me what Standard Oil was doing and he said: "Our publicity agent is Nr. Tvy Lee. I am going to have you introduced to him." He had me introduced. I went to see him.

Mr. Lee was a perfect gentlemen and he thought about it a long time.

He considered what was to be done. Then he first looked at the books,

the pamphlets on Farben, and on the next day he told me: "Very well; I
am ready to make a retainer agreement with American I.G."

I reported about that officially in the board meeting and the board meeting made a resolution that a retainer agreement was to be concluded with Tvy Lee.

Q I want to interpose one question. Who was on the board of the American I.G.?

A I already mentioned Charlie Litchell, the president of the City
Bank. I also mentioned Walter Teagel, the president of the Standard Oil
of New Mersey. I mentioned Hermann Netz of General Anilinex Edsel Ford of
the Ford Notor Company, with whom we also had friendly relations in Germany, was on the board. Paul Marburg of the International Acceptance Bank
was on the board whom I certainly can call a fatherly friend of mine. Dr.
Weiss of Sterling Products and a few others were on the board.

Q Did you belong to the board also?

A Yes, I was a member of the baord of American I.G. from 1929 until 1933 and at the same time I was a member of the executive committee and a vice president; that is to say, that in 1933 I resigned from the board at all these functions at the very moment I resigned from an American enterprise where, in the Prosecution's view point, I was just beginning to make Nezi propaganda in the United States.

- Q I now return to Mr. Ivy Lee. What did that gentlemen do actually?
- A I already told you that he informed himself according to the books and pamphlets and he did what a publicity agent does in America. He informed the press. He issued statements to the press about what I.G. was, what the American I.G. was, and he expressed his opinion on the article, "Cui Bono."
 - Q Did Mr. Ivy Lee have any relations with Farben in Germany?
- A Of course. For instance, Mr. Schmitz was also simultaneously a member of the board of directors of the American I.G. So was I. My other colleagues hardly knew Ivy Lee. At any rate, they had nothing to do with him.
- Q Did Farben gain any adventages from the consulations with Mr. Ivy Lee?
- A Tes, by necessity a tangible example, a small example; the silver pamphlet on Farben that was distributed here in English and German, a simple idea but it comes from Ivy Lee. I personally learned very much from him: above all, never to do propaganda but only to do fair publicity. That is what I learned from him.
- Q Do you remember how high the retainer was which the American I.G. pa id to Er. Ivy Lee?
 - A Tes, yes exactly. It was ten thousand dollars.
- Q Dr. Ilgner, the Prosecution introduced a document that is Exhibit 777 in Book XLIV on page 21 of the English and of the German; this is Mr. Ivy Lee's testimony before the United States Committee for Un-American Activities. In that testimony Mr. Ivy Lee said that he received three thousand dollars. Can you explain the discrepancy?

A Yes. In 193h when he gave his testimony, it was only three thousand dollars but when the agreement was concluded, it was ten thousand

dollars. The then first vice-president, Wilfred Greif, was a very economical person and he reduced the retainer because Tvy Lee didn't have much to do.

Q Did you see Ur. Ivy Lee frequently until 1933?

A Tes, on every trip that I ma de to the United States - in 1929, 1931, 1932 - and privately we became friends.

Q Did Mr. Ivy Lee at that time have any other relations with Ger-

A As far as I know, no business relations at that time but many personal relations. I know, for instance, the former Reich Chancellor, Kuno, the former director general of the HAPAG, Dr. Hjalmar Schacht, then Ministerial Director, Dickoff, who was a counsellor of legation in Wash-ington before 1929, and a few others.

Q Was Mr. Ivy Lee also introduced in other European countries?

A Yes. Ivy Lee perticularly interested in Russia and, later, business interests in Belgium. He concluded a large agreement with the Solve enterprises, also a friendly concern of Farben. His interest in Russia was of a general and platonic nature and at a later time, at the Congressional Committee for Un-American Activities, it brought about serious misunderstandings which were, however, at a later time clarified. That can be seen from the testimony, by the way; one has to read the whole things.

Q That caused Farben's agreement to be concluded with Hr. Ivy
Lee in the spring of 1933?

A I already told a little while ago that what we export people were mostly alarmed about at the time were the effects of the boycott against the Jows in the world, particularly in the United States, the so-called boycott of industry. There was a strong campaign in the press of the United States against Germa my, against German industry, against Farben, and against German exports. From this worry I probably talked it over with my friends but I personally considered it proper and correct to send three pables to the United States: one to Ivy Lee, another one to Senator Royal

17 Mar 48-M-FjC-3-5-Primeau (Katz) Court VI Case VI

S. Copeland who was a friend of mine, and a third cable to General Hermann A Meta. The text of these cables was approximately: What is going on? What shall we do?"

- . Thy did you cable to Senator Copeland and General with in that connection?
- was meant to be so. In the previous subush I had been in the United States and I believe I spent a meekend with Senator Copeland and General etc. 's talked at that time by accident about the atrocity propagana that was made in the first world wer in certain american newspapers and Senator Copeland said then in his very call and definite manner; "This will never happen a sin"; but now it had happened again and that is why I could him.
 - Q. Not fild these gentlessn re.ct;
- and I understood his coution. General lets sent a cable: "Cole queelf and see you lone?". Ivy Lee cabled: "I shall be ready to come." He wanted to a tell trip to Itely anymor and he actually did code.
- In the Prosecution document, Ethibit 776, in Book J.IV, on page 15 of the Laglish and German, which is a affidured of Dr. J. cobi, Dr. Jeobi mites elatements about General leta's visit, opposed to that of ir. Lea's visit. Is there not a contradiction in your testimony Con you explain that to me?
- A. It is correct. Jacobi considered by Metric visit a modible and Mr. Ivy Lee's visit not laudible, but in Jacobi didn't one and he didn't know when he made the affid vit that I had invitor, so to speak, but of them to come here; that west as same thing, but J cobi is not correct. A did take this boycout very seriously.
 - . The has Jacobi's position to that time?
- nitrogen similate. He emigrated because he was a Jew with the assistance of the fire and particularly with the assistance of his friends, Oster, Buetefisch, at colleagues "rueger, von Prank-Fahle, and I also helped him similarly. I asself in 1935, in the presence of Dr. Frank-Fahle, introduced Jacobi to our English banking associates in London, and o danks, the Schroeder Company, the angle Poreign Securities. I introduced him as a man

enjoying - confidence and as my friend. I vanted to improve at that time his financial position and give him a backing of his morale for the building up of a new existance which he, Thank God, was able to do.

- or. Higher, let's come back to General Leta's trip. Wid he actually prive and what happened?
- had said. The errived almost simultaneously. He said: "Stop the non-sense. Stop the boycott." That was easier said than done, because we didn't have any power.
- O. .. little wile ago we spoke about the F Circle. hen you sent these three cables, were you pirely a member of the F Circle and did this F Circle in te anithing to do directly or indirectly with this cable?
 - a. Not the leget.
 - . Did you know Goebbels alres by at that time?
 - a. No, I made his acquaintance sever 1 months thereafter.
- . Did you, after the agreement with ar. Ivy Lees had been concluded, inform Goeb els about anything later?
 - ... To, not at all.
- . Lat's return to .r. Lee's trip in the spring of 1953 undertaken to German. Please explain to me the peneral outline of the events very shortly.
- travels to Nobe, makes a visit to bussolini. He goes to France, to Belgium where he concluded his new contract with the Solve enterprise. He cane to her in and visited many business geople there, he also desired to see Hitler what he looked like. Or. transper, the vice-president of the Carl Schurz association, arranged that. On his visit to Pitler, Tvy Lee was accompanied by his son, Jimmy; and, if I remember correctly, a saistant Guenther Schiller, at the time. I makelf did not go there.
 - Q. Old you learn anything of ir. Lee's conversation with Citler;
 - a. I believe it was Quenther Schiller who told me about it afterwards

hecause immediately after this visit Lee flew away by Plane. Nither swore : the Jens terribly and Lee couldn't say anything at all. We had no pos hality to open his mouth even. That was at the end of his visit in German at that time.

- In Dr. Higher, was there any agreement concluded with it. Locathon in 1933 he was in Berlin and, if so, how was this agreement concluded? That brought it about?
- Lice. I believe Gahaimret Schmitz who has been in the United States for all t is time arrived on the same steamship with Ivy Les in Burope. He was a sent informed about the German policy. Then Lee had sufficiently informed the made a very clear suggestion. He said: "Try to preve the propagands in the United States, but see to it that the amorition of his better and more completely informed from German by may of fair sublicity." That was the suggestion he made.
 - . Did you accept his suggestions?
- Of course; they were fair and sound. I reported to Galactarat Sound Sahali a and Galactarat Schmitz talked to Galactarat Bosch. Galactarat Bosch agreed. He liked to do these things himself. He didn't want to ask many firms first. He might have consulted Siemens and a.E.G., too, but he decided he as going to do that himself, for Parben's interests in a decided he as going to do that himself, for Parben's interests in a decided he as going to do that himself, for Parben's interests in a decided he as going to do that himself, for Parben's interests in a decided he as going to do that himself, for Parben's interests in a decided he as going to do that himself, for Parben's interests in a
 - Q. Not high wes .r. Loe's retimer?
- he s is in the testimony. I didn't have engineer to do with the payment itself the for that reason it had escaped my memory.
 - were they carried out?
- the meantime, at the suggestion of President Schacht, I had become the chairman of the Cerl Schurz assocition. For that reason I took upon

the ind the practical application of ir. Lee's suggestions and I applied the ind the them to my personal associate in the Carl Schurz association and the brought along from Farben. This was are deliced — and Jimy Lee: so look care of things. The sheak about this later.

- . You seid, .r. I e h.d t.ken is son along. Had that been agreed upon this him particularly, that his son was to take over certain liesson functions?
- A. No, I didn't know James Lee; of the time Lee Senior wanted to make he this successor in his firm. He was to get equalited with Dermany with the German language. He was to get equainted with the Solve outract. He was to make new business contacts and, generally, to look a sund.
- If. Ilgner, did Jenes Lee b.ke up business contacts, and if so, what contacts did he take up?
- rel tion to the took up. That was the "heichsbahn Central ... ency for Tra Cic ... conde."
- peg de, io
- . They printed a large number of pamphlets about General, particular describing the reliroud travel in Germany, advertising traps in Germa to the German public and to loreign countries.
 - . . . that a sort of propagand organization?
- . In the German sense of the tord, "propaganda," yes, it was; in the patricin sense of "propaganda," it was a mixture of publicity and adverticing. I believe that that or a minimize was under the general supervision of the propaganda ministry for this advertising activity.
- I sok the question for the following reason, Dr. Nightr. In Prosecution's carmbit 777 that I already mentioned, which is it. Ivy Lee's testimony, there are some statements boot a large number of pamphlets.

 We sit at the by the heichsbahn agency for Traffic Propaganda? Here they

brought to america by James Lee?

- A. That is not possible any other way because we didn't give him any and that can also be seen from Ivy Lee's testimony quite clearly.
- Q. To make ti sure, did James Lee's relation to the meichsbahn Agency for Traffic Propaganda have anything to do with Farben or the Carl Schurz Association?
- Schur: Association; no, it didn't have the least to do with either one of the t.o. It was a private affair of James Lee.

17 Marc -M-FL-5-1-Stowart (Int. Ketz)

O.- Sfore turning anny from this chapter, Dr. Ilgner, perhaps you can suppl cont quite briefly this question. Did James Lee, when the Farbon agree ont was concluded about the Carl Schurz Association — did he get any other function?

A.- Dr. Nath, I was the Honorary Chairman of this Carl Schurz Association. That was my main job. For that reason I am not informed about those things in detail.

Prom the testimony, however, the Prosecution document that I have now read through, it can be seen that he sent to his father, material that was published in German pumphlets and so on, for his father's personal information. Ice, Sr., told me about Jimmi, that "he might be helpful."

Jimie I so maintained contact with Mr. de Mans. I met him occasionally at some recial function. My wife and I acted as chaperones for him.

I increduced him to the Automobile Club of Germany, of which association I ms the Vice Chairman. James Lee was an enthusiastic meterist. He was the only American who participated in our industrial inspection trips in I 33.

Q.- L.t's turn eway from this subject and answer this question. How more the suggestion of Lee, Sr., executed?

A.- He made two suggestions, really. The first was what I am going to call, by technical terminology, "Special Subjects", and the second was, "Botter Information of the American Newspaper Hem in Berlin". I shall deal with the first subject quoted, the "Special Subjects". Lee said at that time, "One is interested in a number of things in the United States," and be mentioned a number of subjects, I do not know how many at this time, but he mentioned 11 or more. I know a few that seemed very reasonable to me. Firstly, "Is Germany going to pay its debts? One wants to know that in the States. Secondly, is Germany going to become an Autarchy? Thirdly, must is Germany going to do with its agriculture?" These subjects were treated by persons with whom I had personal relations, people of world

17 March-M-FI-5-2-Stonert (Int. "atz)
Court No. VI, Case VI

renown, that were generally recognized, such as Schacht, Wagemann, Brueming's Minister of Economics, Professor Warsbold, Professor Warmbold was a former colleague of the Verstand of Ferben.

Q .- Where did this article appear?

A.- Mr. Loc said, "These articles are going to be published in the best German Economic papers, semething like the Economist", in our opinion one of the best newspapers. They were newspapers and weekly reports of the Institute for Boom Research "Monjunktur Forschung" which were issued by Professor Wagemann. Both of them were well respected in the United States and in the rost of the World. Magemann, and his Institute, and his weekly reports were well respected.

Q.- Dr. Ilgnor, you said that these articles appeared in Germany. How were they brought to the states?

A.- It was important, and that was the very thing that Lee pointed out to us, that these things should be articles that could be brought to the outside, and could appear under the regulations of the Third Roich just as any other publication in Germany, so that everybody knew that these had been articles that had been regularly published in the German newspapers, and they were sent through normal channels, as is generally customary in the world, to American friends, and also to other countries, to business associates. The Institute for Boom Research sent them, with its complete sender address, to economic business institutes statistical departments, etc., just as I did, to American banks and business friends, or I sent lectures that I had given about economic problems, with my compliments, just as I sent my Christmas greetings.

The Carl Schurz Association then sent those, on the basis of a file index that Mr. Lee made available a year or 6 months later, to Carl Schurz Association, by his son, also with its full return address, to people that had visited us or of whom we assumed they were interested. I do not know details. I never know them. I never saw this file index. These were minor

16 Merch-M-FL-5-3-Stowert (Int. Matz)
Court No. VI, Case VI

accountive affairs.

0.- Do I understand you correctly that you want to say that the American business people and other addresses received copies of the weekly
reports, just as one had formerly received copies from the newspapers from
abroad, by people who assumed that these addresses were interested in them?

A .- In the same way only with one difference, - that these people were almost all business friends, people that we already know.

Q.- You talked about Professor Wagemann. What was Professor Wagemann's position, - who published these weekly reports in Garmeny?

A.- Professor Megazene is one of our most leading occommists in Gormany. Up until 1933 he was the Chairman of the Statistical Reich Office, and at the same time, he was the president of the Institute for market or Boom Research.

In 1933, after the Wazis had gained power, at the demand of the Party ha had to resign his position as President of the Statistical Reich Office, and he remained only the Chairman of the Institute for Market Research. He was the brother-in-law of the Minister of Recommics of Bruening's government, Professor Tarmbold.

Q.- Uns that the only way in which these weekly reports of the Institute for Larket Research could get to the United States?

A.- No. The American Journalists in Berlin were also given so-called "advance" copies.

Q.- Dr. Ilgner, a little while ago you spoke about two suggestions , that Mr. Lee made. The first one we have discussed, the "Special Subjects", The second one, was "Better Information of the United States Journalists in Berlin". How was that done?

A.- You are right. That had something to do with what I just said.

Mr. Lee recommended that we should held a Press Conference and Conference with the Carl Schurz Association, once a month and invited the lending American journalists to attend, and there you could introduce to them one

16 Marci-W-FL-5-4-Stowart (Int. Kats) Court No. VI, Case VI

prominent person with whom they could talk.

- Q.- suldn't the American journalists receive better information from the offic al agencies?
- A.- 10. The American Journalists complained to Mr. Lee that in the Third Reich there were nice lunches for the press, but there was bad information.
- f. Did Mr. Lee discuss with you his relations to Parbon; also did he dis use them with other American people, or did he keep that agreement secret
- A On no way minothanever, he talked about it to the journalists. I myself ave him a luncheen in the Casine of my enterprise, and invited him together with the American journalists, Blochner, Oschaner, A.P.U.P., enything that had a name. They all know it. He sent to imbassador Dodd, to the P J. Erbessy, and he told him about our conversations, about our relation: He was well informed.
- Q.- 'lesse describe the Press Conferences in the evening, at the Carl Schurz As constion?
- A.- Contrary to the official agencies, there was no good lunch. We only gave beer and sandwiches, but we gave them good information. Our first preminent person was lir. Schacht. At that time Government officials, could not give any interviews. They were not permitted to do that. For that reason, our Press Conferences, that were of an informal nature, were well respected and much esteemed.
- C Mr. Schacht was not a Nezi, but did you also introduce Nezis to these ress people?
- A .- Yes, the journalists requested it. They actually picked out these people. They had their own request list, and if we could get these people, then we introduced them.
- Q.- Would you please describe to me how often these press conferences more held and for what length of time they were held?

16 March-M-FL-5-5-Stowert (Int. Mata) Court No. VI, Case VI

A.- They took place more or less every four weeks. I could not take care of it any more myself, and I asked my colleague in the Press Agency of Parbon, "ario Passarge, and the business manager, de Hass, to see to it that this was continued in a decent manner, but when the press regulations in the Third Reich became more severe, we also had our hands tied, and they became less frequent until they finally stopped altogether. In the beginning, as I said, those press conferences were very popular with the American Journalists.

Q.- Dr. Ilgnor you said a little while ago that you did not inform Goebbels about the agreement with Parbon, nor that you ever discussed it with him. Did you say that? Did I understand you correctly?

A.- Yes, absolutely. The Propaganda Ministry was not concerned with this entire affair at all.

- Q. In you explain to me please, why Mr. Ivy Lee, in his testimony to the Jungressional Committee said that you had introduced him to Papen, Musidt, Neurath and to Goebbels?
- A. I can only remember Papen and Schmidt. Papen I know from the Glub. and Schmidt I did not know. I wanted to make the acquaintance of the new Minister of Economics. But I must rectify my testimony during interrogations as follows: In my memory I confused the two visits of the Spring of 133 and January of 1934. Now I can become quite clear about it.

Mourath even to day. After reading the testimony, I know that in Januar, of '34, I decompanied him to Mr. von Papen, and accompanied him to Schmidt, Economic Minister. At that time the "F-Kreis" was still in exclaience, and I only announced him to Dr. Goobbels.

- Q. "hat did ir. Loc say in 1933 about your membership in the "F" Circle?
- A. He considered it absolutely proper to do everything that I could to advise people to become reasonable and decent. For the rost, Er. Lee know that I did not minee my words.
 - Q. Did lir. Lee give you any other pieces of advice?
- A. No, that was the essential. His statement was as follows: "See to it that you can prevent those Units from making propagands in the United States. You must do too things. You must make fair publicity, and you must come and see for yourself". He said, "Then you must tell the imprisons to come over here and see for themselves."
- . Did Farben or the Cultural Association Karl Schurz directly or indirectly ever send any material to Mr. Lee to be distributed in the United States for propaganda or other purposes?
 - A. Nover.
- Q. Do you know what the result of Hr. Lee's hearing was? Has Hr. Lee punished, was his firm dissolved, or any other steps taken against him.

A. Nothing like that was done. The firm continued to work, for it had been shown quite clearly that the agreement of Mr. Ivy Lee with I.G. Farben industrie had not been on Unamerican Activity in any was whatsoever.

After the first interrogations had taken place in Washington, Mr. Loc arrived with his wife in 1936, in a very ill condition and went to Demler Sanitorium in Baden Baden. He manted to see me and I went to visit him. He told me the connections. The facts were the following. A notorious propaganda agent for the Nexis in the United States, George Sylvester Viercek, for reasons of competition, denounced him as an alleged friend of the Bolshevists, in the press of the United States, after he had previously made an unsuccessful attempt at extertion from him.

The only concrete and sad result of this Mazi demunciation was that this well-respected person been a so excited about this entire affair that he suffered serious detrimental effects to his health, from which he died a few months afterwards.

- Q. For what period of time ams Perbon's contract with Lir. Loc in offect?
- A. To the best of my recollection, it expired with Lr. Lee's death, in the autuan of 1934. Since I was on my East Asia trip during that time, wich lasted almost one year, I did not hear anything about this entire affair. I reme ber, however, that James Loo, after my return from East Asia, brought me tegether with some alderly American, I do not know his name any zero, I think he was Mr. Try Loc's successor, these people came to my office. I think it was just a courtesy visit.
- 4. I now leave this subject. I turn to the Carl Schurz Association aunitioned on page 54 of the Trial Drief. What was the Carl Schurz Association? Then was it founded?
- A. The Carl Schutz Association was an organization of Good Will, especially on a cultural besis, in order to promote friendship between the American people and the German people, in the words of Marl Schurz.

The foundation took place in 1927, by southern German democratic circles.

9402

COURT VI CASE VI 17 Ibr 40-6-3-1--EE-Stouart (Mate)

- . Please tell us in one sentence, who Carl Schurz was?
- Units States as a democrat in 1865. He became a General in the Civil Mary in this a friend of the Lincoln, and in the famous for his land for the in testion of the hogress after the abelition of slavery in the United States.
- Gorann- writer understanding
- A. In 1929-or 31, when, at the occasion of the foundation of the Carl Sc ura Mesorial Foundation in Philadelphia, I became its member.
- Q. Did this Corl Schurz Homerick Poundation have mything to do with the Car. Schurz Association in Cornary?
- A. No, they were indo endert of each other. They had a stidler name, and general, friendly relations with each other.
- I. Not did it come about that you took over the Casimumonia of the Carl Schurz Association here in Company?
- Dr. Moger, turned to President Schreint, who had them frequently terms and in the United States, and was very well known there and asked that to became the President of the Carl Schura Association. Schoolt told in, "I have too much to do; take a younger non for that, take light", and he said, "he also known therica well, and Parbon has large interacts in the United States". At a regular association, that is, those conters who had been in that insociation before 133, I was elected unant outly. My predecessor was Mobert Bosch, not Karl Bosch, our Cambrate, but his uncle, Johns Towert Bosch, not Karl Bosch, our Cambrate, but his uncle, Johns Towert Bosch, not Karl Bosch, our Cambrate, but his uncle, Johns Towert Bosch, not Karl Bosch, our Cambrate, but his uncle, Johns Towert Bosch, not Barl Bosch, our Cambrate, but his uncle, Johns Towert Bosch, and Branger had directed the Oarl Schurz Association in the mountine.
- 1. Did the Hinistry of Propagate have anything to do indirectly or lirectly with that?
 - A. Not the least. Then I was approached with this question, there 9403

this not any circle of economic leaders as yet, and I had no contact whatsoover, as yet, with the Ministry of Propaganda.

- Pid the Propaganda Ministry at a Later time take any influential action to the activities of the Carl Schurz Association?
- At no time. I must again correct something here. During the interpopations of 1945, that we shall deal with at a later time, I was suked a great deal of leading questions. Since I did not actually have my idea about these details, I said something like this: The Propaganda Lämistry tried to exert an influence in an ever-increasing measur. That is a wrong statement. We were actually independent, but we were happered on many sides.
- 1. Did your prodocessor, in. Robert Bosch, interest himself at a late the Earl Scherz Association?
- A. Oh yes, he coccepted on honorary numbership that I offered him with 2 other gustlemen. The other people were Eugo Eckener, Hjelmar Schaeld and Milholm Furtweengler, I picked those out myself.
 - Q. Thy did you solect these people?
- A. Each of those people was a man of first, high-ranking standing, well-respected in the world, and perticularly in the United States.

 Bowldes that, they were independent people. None was a Next. At a lat a time they were even strong Anti-Mexis. Robert Bosch was one of the leading southern Serman Salverate, and all of them remained honorary members until the end of 1945; Fr. Bosch, until his death, of course.
 - . The was in the Verstand of the Carl Schurz Association?
- were first of all interested in go d relations with the United States, and therefore predominantly this Verstand was unde up by economists.

 All if these people when I brought in myself, were always the same people, Diehn of the Alkali Syndicate, Otto Christian Fischer from the Reich Credit Association, wen Winterfold-Siemens, Neibehm, Hapag, and Hal Koethe, from the Northern German Lloyd.

At a later time, in 1937-30, at the request of the official agency 9000

COURT VT C.SE VI 17 Mar 3-6-5-11-ASH-Stowart (Matz)

of the f verment, in the so-called working discussions that were presided over we. Ty by Mr. Draeger, one representative of the fereign office had to be eated in, one from the Cultural Department, and one from the Propagane. Ministry. At the end, as I heard, even one representative had to be called in from the Association of International Associations.

THE . ESIDENT: It is time for recess.

(Tribunal in rocess until 1045 hours)

17 March - M-IN-3-1-Schwab (Int. Ranler) Court VI - Caso VI "I HURSHAL: The Tribunal is again in session. BY DB. H IN (Counsel for defendant Thener). 1. A flw more questions with respect to the Carl Schurz Associatio What was the main activity of the Carl Schors Association? A. It was the continuation of the old cultural-political work, the tunder by of which was exactly the same after 1933 as before 1933. There word letura evanings, club evenings, and a close contact was kept by the exchar to of students and lecturers with the German student exchange associ tion and the association of former work students in the U.S. In addition there word the gross beer evenings. There was a close contact with the Ame lean Chamber of Commerce in Berlin. In addition there was an extensi correspondence with De Haas, the business manager, and with the other m bers of the Carl Schurg Association of the United States. These we mostly grosts or professors of the association or people who were exchanged including American students. . Would you please briefly describe to me what Mr. Do Haas was liko? A. In 1933 Do Heas joined Farbon. For many years he lived in the Unit d States, Argentina, and Austrialia. We at first entered the office of the chairman of the Carl Schurg Association and then he became the print pel business manager of the organization. I wented to have my own min in the association, upon whom I could safely rely. In 1940 ir. De Heas took over functions in my own office, Mi-7. If one wants to know who ir. Do Mees is, one only needs to ask many of the Amoric a professors and students the during the proceeding years were guests of the Carl Schurs Association and who venerated him. Q. Dr. Ilgner, during those lectures at those clab evenings, was eny Naci propoganda expounded in any form thatsoever? A. For many reasons that was entirely unthinkable, quite apart from our own attitude in that respect. The following reasons were decisive At first, international politoness forbade us to carry on any such propoganda. 91,06

17 March - H-LU-8-2-School (Ramber) Court VI - Case VI Secondly, our American friends would not have visited as had we done such a thing. As a matter of fact, the number of visiting .mericans increased from year to year. Thirdly, the American annassador, Dodd, would have coased to be our friend . Q. Was the American embassador, Dodd, friendly disposed toward the Carl Schurz Association? i. One may well say that. He was repeatedly a guest of the issoc ation, in the same way as the gentlemen from the american Embassy. Hr. 3 odd and his wife were frequent guests in my home, and in the same way my wife and I word fraquent guests at the Embresy, and we not also it. and low. Dodd prientaly in a small circle. Could you tall me about something of the larger mostings of the Carl So ura usocittion? ... I shall give you cues morely. In 1934 there was a so-called Carl Schurz Tour to which we invited the presidents of American universities one professor and one representative from among the students of each university. This was a tour through Germany which ended at the birthplace of Carl Schurz, and also visited German universities. Also, every year there was a tour of American students studying at Gurmany. This was somewhat more medest, but the sense of it was the same. Furthermore, in the olympic games of 1936 the Carl Schurg Association had been asked by the olympic committee to take over the care for the American delegation there. That was a very strunuous task as the American delegation was the largest delogation of all nations. At the IHK Congress in 1937 --Q. Dr. Ilgner, what the IHK? That was the Intermational Chember of Commerce. Thank you. Q. At this congress the Garman-Jaurican Economi Association, the president of which was -r. Dichn, and the Cerl Schurz Association, arranged a reception together in honor of the American delegation of the 9407

Int rational Charter of Communes, especially for the newly elected profitant, who was an empirican, No. Jatoan.

Furthermore, in 1938 we arranged to many first two reception in honor fox-president Honors in the Carl Schora Association. That was alread mentioned.

Of the Carl Schurz Your in 1934 an Agfa film was produced that is a Farb a product, and apole one of the pursons attending that show received a capy to keep as a souvenier. This film was shown by the American profes ors and students when they returned to their own universities. And I have now that since 1946 or 1947 the very seme film is being again shown in the United States of America. Then it could harly be called a limit film, could it?

- As relation at may time send propogands material to the United States?
- A. No. In line with the entire policy of the C rl Schure
 les cintion that was entirely out of the question. I know that we, for
 instance, on the occasion of every Christers, sent little gifts to the
 Unit . States to the numbers with whom had correspondence.

I remember one specific instance. If. Do Haas had selected a called not with excitent engravings of Berlin and we considered seriously what is that might appear to be propogands. However, we didn't think that was the case and we actually send this calendar out. Had we not do so, had we acted differently our standing would not have been what it actually was.

Q. I think with that we may well conclude that chapter. I shall now turn to a new subject: Auslands Organization (Foreign Organization) thial brief pages 56 and 93. I should like to put a number of questions to you in that regard.

In Prosecution Document, Exhibit 363, Book 14, English page 9, G. man page 11, which is montioned in the trial brief on page 56, monti 17 March - M-LU-8-4-Schmab (Ramler)

is mrds of Farbon is relationship with the Foreign Organization. Would you tell me semething wheat that!

A cose are the commercial committee righter of the 10th of September 107. It has been always ad here at such length and I don't have ! elaborate on it. It's the well-known window-drossing. But quite inerally lik to say this: the matter is quite clear. Two worlds are confronting each other: the Mattered Socialist ideology as opplied to German export interests. The foreign organization was a Part organization and they had their instructions and their own duties to feelfill. Forben, on the other hand, had economic interests. They I did the task to export. We were a business unterprise, and as a result there were divergent interests.

And where did these controversies show themselves?

. Well, I shall give you a few points. We camouflaged for reasons of ex strings. The foreign organization, on the other hand, wanted to rry on decamouflage activities so that we could show the sweetika Mr. . To mented to keep our Jews because they were skilled people who limes that work. The foreign organization, on the other hand, had instrations to see that they be eliminated. The foreign organization want us to attend party meetings. We, however, neither had the desi: nor the time to attend them. They wanted us to pay contributions to foreign organizations. We were not really keen on doing that. The foreign organizations had instructions to see that the pro-German press and the German press abroad be supported. Our customers, on the other hand, read the Jewish press and the anti-German press. I am referring to Bayer-Argentinia, all the chemists and all the parmaceutical people who read the anti- German and Jewish press. We h d to edvertise in these if we wented to sell. Our people out there h I been successful. They were the rich people. The little people the had gone there recently and had not yet got a job and joined the Pr by were mostly the have-nots - not all of them, but many. Our low ling representatives were people of good remute, they were rep .sentatives of Germanism of the old coinage. These were deep con roversies. 9100

17 Mar -W-BM-9-2-Gaylord (Int. Rammler) Court 1 , Case 6

Q Dr. Ilgner, what were your personal experiences?

A Tily varied. The most difficult problem in the foreign organization w: to deal with the little people, and we had the most trouble
with them; for instance, my clash with the Ortsgruppenleiter in Paris
in 1933. By accident, I heard that he asked people from the Paris
police to write down numbers of the motor cars of immigrants. I said
it hermod the German practice and I opposed that, a row resulted. He
done need me with the AO, the foreign organization. I went to Bohlo,
but this adjusted that matter, being a German Living in South Africa
and I ving more sense, and he displayed more understanding with
respect to such matters.

Q I ring your trips abroad, did you have contact with the AO, the forcis organization?

" ! , but that actually was expected. In fact, up to my trip to East ... is inclusively I had no, or at least only sporatic, contact with t. on. Later, I only contacted them during my large trans-Atlantic trips or whenever there was a special occasion to do so. The reason for my more emphasized contact on the occasion of my trip to South arcrice is due to the fact that when going to East Asia I didn't consern myself about them at all, and these people were rather opposed to do as a result. That misn't really favorable for our business. At any rate, very soon the reafter the MS foreign organization heads of the rerious countries were incorporated into the embassies. They received the rank of imbassy Counselor and they were issudiately ranking below the Ambessedor, and very often they were even the person of first rank in that country from the inturnal political point of view. The A hassadors often actually asked us to visit the National Socialist Lando ruprenleiter. They said, "If you don't visit him, I will get into couble for not asking you to do so." Naturally, one had to see them.

Q Thu were speaking of tensions between Farben and the National Socialist foreign organization. What was the consequence of such tension?

A : turally, there were continuous latent tensions. It depended: seneti is it was better; sometimes it was worse. That was even direct i against moself, elthough I wasn't even a member of the Party at the sime. That, as I said, was not in the business interests of Farbon.

Q Did you take any steps in order to improve this unpleasant atmosphore?

Especially on the occasion of my trip to South America, my associatio pointed only to me that I should really inform the foreign organizatio, before my trip in order to be "ble to meintain contact with their age clas in South America.

And how was that done?

A I delegated my essociate, it. Schwarte, who was the head of the communities office at the time and who told me about those tenst ma, to find out at the AO what the differences were in the court iss I was to visit, That is how the AO found out about my trip, and to I found out later, they informed the Ortsgruppen - the area (gonzies - which could control whether I setually did arrive or not.

Q In already said that it was recommended to you on the occasion of your trips abroad to visit these National Socialist officials. That were the discussions about that you held with these Landesgruppenleiters and Ortsgruppenleiters?

A At first I not the Parbon representatives and asked them what the differences were and how they could be climinated without harving the reputation and the business of Parbon. Then together with my aide a companying me and the Zefi - the confidential agent for that time we didn't have any Farbon limits on men yet - I went to these men and discussed our differences. It was always the same tune: insufficient interest on the part of the Farbon employees in Party meetings; contributions not high enough and they wanted more money. I reported suc demands to my home country because 'I couldn't decide upon them, and then I returned I reported to the foreign organizations about the

netters I learned during the trip. I gave them a copy of my general report. I remember one report of the automobile industry, and that was really all.

I Dr. Ligner, were the business interests of Farben served by your pres are whomever you met the representatives of the 407

a ! think that is quite clear. I shall briefly give you a few oxer os. Then I was in Chile, the Farben representatives there told me th to the Perty was asking them to immediately dismiss one of their J. wis caployees. I spoke to that caployee in question and told him not to mrry. I told him that I would find some sort of solution. I then to ned to the Party and said, "That is out of the question. No connot to without that men in the interests of export." I couldn't tell the Po ; that I thought their Josian Legislation to be crany, afterucrds, won I was in N on York, I succeeded in gotting that Jowish employ a transferred to my secrican friends there, and he stayed on his jo until the whole matter was arranged properly. When I was in Hariot, I made the acquaintence of the Landesgrupponicitor Nuors who The native there. He, at one time, had also been a business men and he as quite reasonable. I told him that our situation was. The confequence was that our later Forben Lisison ann in Mexico, Hans Her in Fischer, confirmed to me that since my visit the Landestruppenloit r neither concerned himself with our Javish employees in Mexica nor ith our Jewish customers. They left us alone. We had to make some contributions. We had to give then some concres, some books, etc.

In raxil, the Zefi, the limited man was Mr. Hamers. He was a Brazilian of German descent. He was strongly opposed to Mazism. The Orts, appendenter there was Peter Schagen who was really a nice man. He was at the same time the head of the automobile union there. I make d to borrow a car from him and with that car I went around Breail and argenting. I was nice to him and he was nice to me. I used him in order to see that Mr. Hencers was not bothered at all. You have to credit the other side with a certain amount of fairness.

17 Hard -U-BK-9-5-Gaylord (Int. Remaicr)

- Q Dr. Higner, did you have direct and frequent contact with Gauleiter Boble?
- for as I remember, I did not meet him, apart from that one mosting on the occasion of the denunciation by the Ortsgruppenleiter in P ris, in 1933; I did meet him one more time in 1941 when I intervene on behalf of my Parben Limison man, 'Illibald Passarge.
- Q the was tillibeld Passarge, and what was the reason why you saw Cauluiter Boble?

- At the outbreak of the war Hillibald Passarge was the Farben limison on in Paris. He was a Brazilian. Immediately after the outbreak of the up he want to Ernzil. Then he returned and when he wanted to once me a sateblish himself in Paris, the foldin organization opposed that strongly, mainly because he was an anti-Masi and because he had Jawiss Triends; also because he had received the "Legion D'Honour," and because he had asked to be given Franch citizenamip. He was strictly prohibited to be active a road at any future occasion. Although I really hadn had many derlings with him, I immediately took him over into my offic and tried to holp him to get abroad once more. The foreign organ dation, as I said, was strongly opposed to it. But I wont to Mr. Bohlo. I had a long talk with ir. Bohlo and I brought about a compromise soluti . I was alle of to send in . Milibald Passargo to Hungary. His wi had be born in He gar. That is how he got away from the claws of the AO. It or, at the suggestion of Dr. Ungemitter, the head of the Economic Group J emical Daynetry, I placed him at the disposal of the eastern chomical group in order to keep him out of any trouble with the Party.
- Q. That departments of your office Scrlin, 97/7, had dealings with the foreign organizations
- A. These were cainly two departments. It first, there was the for Agn exchange department which was a sub-department of the central finance schministration. Later, during the war, there was the SIPO.
 - Q. That is to say, the oconomic-political department?
 - A. TOO.
- Q. What functions did those two departments have with respect to the foreign organization?
- A. The foreign exchange department had Farben's assistance with respect to foreign exchange transactions. Since the Reich Ministry of Economics was responsible for these matters and since within the Reich Ministry of Economics the A C had been given the right of veto, it was important to always obtain the approval of the AC in questions of personne As I said, the little people always made trouble and Herr Krueger and him

poor is had quite a lot of work in that respect and it wasn't always very ples unt. The second department was the ITO. That was only formed during the war in 1942. It was to assume a prodominant position for Farb so that Parb in, in view of the winning heads of the sales combined is all that the boads of the sales combin, were very different — the sales combin, had absolute severeignty, and it would be been quite possible for the MO, in view of the basic differences in the policy of the various sales combined, to play one sales combine against the other. That is why Mr. That of the Virginia had been entrumbed at deal with those matters, since he resided at Frankfurt the Och. was used as Maison. The entire problem, however, we all in view of the manner of Kommuraienrat Maibel.

- Q. Dr. Ilgnor, you made a pistake; you meant the MPO was in-
- A. Yos, I was talking about the MITO and not about the AO all the
- I. Dr. Ilanor, the Presecution has submitted Echibit 379, Book

 XIV. English Page 117, German Page 165. This is a letter signed by

 Kom reienrat Jaibul and pourself of the 31 of January 1942 and is directe

 to to Foreign Organization. This letter is supposed to reveal the close

 and Itimate relations of Farben with the foreign organization. What can

 you s y about that?
- latt. Which became recessing after Thibul had taken over to discuss with arben all basic differences between Ferben and the to. As I said, Mr. Thibal was in Prankfurt; the LO was in Berlin. That is why we needed some organization in Berlin, the LFO. I know from the heads of the department WIPO at the time director. Terhear, and the Prokurist, Mueller that Mr. Vaibel didn't make use of that office because he always went to AO on his cam and only very solder informed the WIPO. How that was handled in detail, I den't know; that was purely an internal matter.
 - Q. Dr. Ilgner, it may not have become quite clear why Mr. Maibo.

was on . rusted with the task of maintaining contact with the foreign organimation.

- orders on above. As the years progressed in 1937, the attacks against the Jowish or presentatives increased. As no sen it in the case of Austria, we didn' do enything in that respect before 1938. Since those difficulties increase; and extended in their scope, it was clear that we needed a prominent sum to deal with them. Since the sales combine dye stuffs had most of the biggest farber foreign representative and whose 'albel was the uncreased wing of the Farber trans-occarie business, it was obvious why he was entrusted with dealing with that office.
- The programmion mentioned a luncheon in connection with Ir.

 Jaib 1 which took place during the war in benear of the heads of the foreign organization. Would you please explain that?
- A. During the very a number of differences had come up. The Park maint ined that new to didn't have to recording. Now in could decameelle to were adoptical, "to said, "No, in the anterpret of business we have to maint," a our regardination abroad, as it are of to us new. Unfortunately we can at hang out the smastika new." A number of U.A. people returned and Mr. "I bell probably though that it would be advisable to have a luncheon at the Hotel value in order to pacify these gentlemen of the AO. A number of the loading business form of Father were probable. Unfortunately, I couldn't attend that luncheon. That is may I can't describe to you what happened there. Friendly works were probably exchanged, as that is usual among cultivated human beings. These weren't the little people of the AC. There was Bohle there, and the most important people were there.
- O. Dr. Higner, I think we can leave that point now. I am now turning to a new subject: the trip to East Isia and the report about East. Trial Erich Page 67-4. Let me put a few questions to you with recommon four East Isia trip and the report on the trip with which the presecut has dealt. How long did that trip last and who participated in it?

- From August 1934 until June 1935, Goheimrat Jaderer, Guenther Stailler and the LAFI limison can of every country.
- A. Lodorer, up to 1934, was the dejuty chairman of the German Launderbunk. He was a Jow. He isodgrated in 1934. I helped him build up a new existence.
- Q. That wore your specific tasks with which you had to deal during that trip? Please only mention the most important ones and just give a class.

A Mainly questions with reference to foreign exchange adjustation, with dollars, French France, industrial problems, the nitrogen problem in China, together with the Imperial Chemical Investry, industrial finances, financing extensive negotiations with Non-Kong and Shenghai Banking Corporations and their General Manager, Sir Jendolar Grabel for a plan for cooperation between the Hongkong Bank and German asia Bank in connection ther with. In view of the Chinase majority which had been intended for this project, we wanted the formation of a Chinese Bank Union, the formation of a financing comp. v. In addition, there were a number of specific negotiations in we how countries, moreover, an extensive study of the economic devaluments in the Asiatic countries.

Wasn't the time a little short for the latter study?

A Tee, and no. With the help of Vomi, I did quite a lot of pr liminary work. I drafted a number of memoranda and sent them to the limison men asking them to correct and applement their memoranda. We sent out questionnaires about matters about matters about which we couldn't find out anywhere also and in which we in Parken were interested. I found out, however, that authorities had only returned very little and bad no origin. That ever one actually mented nobody had.

Q In the Presecution Document Exhibit 776, Bock LL, English pass 16, German page 18, is the officient of Jacobi. It is stated that you wanted to obtain better information because the information sup, ied by the authorities was not sufficient. That is what you have just said.

- A Yes, that is quite right.
- Q Would you place : explain that?

A Yes, that is quite correct, with one reservation, however. We in Ferben wanted this material for ourselves end not for the ifficial authorities. That is not why we got such information. As far as I know the situation now, the AO, for instance, didn't receive any of these reports which are being mentioned here. At least, I don't know of them. Only in the case of larger publications, as in the case of my East asia Report or my automobile Report after the So th American trip, but Mr. Jacobi never knew of that and still does not know of it today.

Tri 1 Brisf speaks of a special copy. What was the occasion?

A when attending a social event of the old Baron Brandenstain, a friend of my father's, I set State Secretary Larmors, who
later became Reich Minister. Mention was made of my East Asia Report.

I see Mr. Larmore a copy. Larmors was very interested and wrote a
letter to me; very politoly he asked, "couldn't you send me a second
copy and perhaps underline the most immortant 50 pages so that I can
hand in to Hitler." I was very glad to use that opportunity of
marking with rid penal the 50 pages in the opportunity of marking with rid penal the 50 pages in the description of the addition I
visited a number of people in the Limbert of Secretary people from
the old school and I asked then what they about that I abould mark
in rid penal. I did that, but it was not a special copy. It was
the same copy which was sent to all the others.

Q The Prosecution submitted enough a document, Author 581, Box: 47, English page 6, Garman page 9. The distribution of your East Asia Report is shown by that document. According to what points of view was the distribution mode?

A frincipally all the officers of the Farben concern receiv i the report, all economic circles which I knew; furthermore,
all are me and agencies which expedited me in the execution of the
trip, for instance, by may of latters of introduction, or who assisted
me in the compilation of the report by placing statistical material
at my disposal; beyond that, a number of personal friends of mine received a copy; over 300 copies were distributed and it was my intention

oft : my return to ask my associates, Dr. Reithinger and Dr. Wolfgang von therpits, who had made similar trips — incidentally, Dr. Tuerpitz had sined much marit in the compilation of that report — I intended to point this report in the same may as the China and Japan Year Book from which I used a lot of data, or, rather, as my associates in the Voni 1 d before me, who dealt with that. But then there was the war and I all ill and I could not realize my aim.

Q Did your trip bring any favorable success?

A Apart from the business successes, nitrogen projects, etc., as a result of the simultaneous presence in East asia of Mr. Weibel, who was a very experienced mon in East asia, the Eastern Asian Committee of Perban was formed ofter our return. Mr. Weibel became President; I became a member of the committee and furthermore the representative assemblies in China and Japan were instituted, from which reports were sent to Farben from Japan and China. In addition my associate, Saxer of the Office of the Commercial Committee, became the secretary of the East Asia Committee.

Or. Ilgner, I heard you mention the word "reports".

For these the reports which Dr. Jacobi mentions in his affidavit
exhibit 767 in Book U47

A No, the reports mentioned by Pr. Jacobi, the formulations which Dr. Jacobi salected in his affidavit are incorrect. He confused averything. Jacobi, already in 1935, had emigrated. There were only arben lisison man since august 1957. Jacobi did not actually experience the development of the limitson agencies of Farben.

Q Dr. Ilgnar, what was the purpose of these reports of the representatives of the assemblies in China and Japan and what was the maching of the East Asia Committee?

A Wa ware concerned with the current Ferben business, corrency questions, foreign exchange questions, industrialization questions, etc., and everything which I mentioned in connection with exert made it necessary for us to form a clearing agency within

For in and that was the East Asia Committee. In order that the East mai be informed correctly the representatives were asked to send report; about business activities and what were was going on in the country. They also referred to the political situation whenever it was a teresting to us, the same thing for the economic situation or whate a would be of interest to us unatsoever, that was at a time when - part was being promoted.

I With what foreign firms did you have most contact during your E at asia trip?

Standard Cil Grapeny of New Jersey — the latter was a purely social contact. Then there was the Esperial Chemical Industries; that again was a business contact and then the Hongkong and Shenghei Banking Comparation; that was business as well as personal. During all my last trips I always had introductions to these first montioned three to be concerns and during this trip I learned for the first time what the conception of supervisors means. I learned of them for the first time, and I not some of them personally, and afterwards we got the idea of forming I.G. licison man, which is exactly the same as a supervisor. Apart from that I always visited the big German firms, blancas, A.B.G., etc.

Q Let us turn to a new subject, Dr. Higher. Let us turn to your South emerican trip in which the prosecution was also interests. That is mentioned on pages 58, 68, and 91 of the Trial Brief. when did this trip take place?

A From the middle of August, 1936, until just before Christmes Evs, 1936, that is to say, sixteen countries within about four months, or a little over four months.

4 Page 58 of the Trial Brief mentions Exhibit 773, Book
1, English page 33, Garman page 64. This is one of your affidavits
about your Paroan Concern Report dealing with your South American
tr p. How did this report originate?

A Dr. Nath, I must correct something here. During my interrog tions in Numberg, the full report was never shown to me. I therefore believed it was merely a general report, the same as the East usia report was. Subsequently, however, I found out that was not as, because there wasn't any such report. It was never compiled. In other words, there was only the internal Ferben report, which is in orderes here. Throughout the entire trip I could not deal with the entire development, because I fell ill after my return.

- W The received this South American Concern Report?
- A. The business men and lending personnel of the Farban concern and not, as it is stated in my officevit, Exhibit 775, the same vircle of people who received the East Asia Report. That was an actor.
 - W Did you draw up the raport yourself?
- In the basic thought originates from me and a few quotations and this was because, as I said before, I man't very well, I asked my side recompanying me, Mr. Schwarte, to include the file notes which he draw up during the trip.

- O. Trong those file notes were also those concorning your discustions with the 30.
- It was a me in diary form. That meent, of course, he made his own notes of all a sensions, and the entire report had his style.
 - Q. But do you much by that, pointing out lir. Schmarte's style?
- A. Dr. Nath, at the time that was quite insignificant, because each of ty colleagues winn the report concerned know very well how it mes near. Today, when the presecution attaches quite a different signific ned to every single word, all those entters are more important. For instance, ir. Schwarte wrote down and included my negotiations with the I may people, just as I said then and he wrote them down in their vore in fons. However, what I bented to tell my collergues intermily could so expressed differently, as I did for example during official convergations with representatives of the Party. One must keep in wind what . intentions ctully more. Thenever I had a conversation with a representative of the Party I had to sugar-coat him as we say. A proper report, however, I would have expressed all those satters somewhat differ. My. Schwarte perhaps was somewhat harsh in his manner of expression, but that does not change the fact that the statements I nade during by mostings with the official representatives have been repeater in their verbatic form.
- Q. Dr. Higner, on the same page, 58, of the Trial Brief, the prosecution mentions Redibit 790, Book AA, English page 111, German page 200. They say that after you returned from the trip, you drew up, I quote, "A program for the defense against the spreading of anti-German sentiments in Latin America." Is that true?
- in no way at all. First, this exhibit is a letter of my comparison and side, Schmarte, to the General Consul of the Fereign Office, Bonzlor. I do not remember over having seen that letter before it was presented to me here in Numberg. With reference to the style and form of that letter, the same is true as what I said before.

- Q. How hid this formulation come about, "defense against the spreading of Anti-Common sontinent in Latin Appried?
- is it becomes apparent from Prosecution Exhibit 790, this was a form Tation coined by the official agency in order to next the measure taken by the United States opposing German account interests in Sout. America. The German diplomatic representatives in Latin America asked up to report to the Pareign Office the emperionees we had during the trip. I would assume that the letter of Mr. Schwarte came about in this a union.
- 4. Or. Digner, what were your personal views with reference to the measures taken by the United States apposing German export?
- A. Mis means the expression of my basic thoughts which I uttored reportedly during the trip. It was my view, and, even during the war I expressed it on the occasion of public loctures, that the United States, because of their geographical and accommical political position must have No. I position in Latin Appries. I expressed that during my trip is 15. J. Purthermore, I said that we would have to see to it that between the United States and Cormany a better relationship should exist. This was to content of argument in all my discussions in South States. Hr. Schwar a expresses this besic thought at the very beginning of his letter to Mr. Tensler. I quote, The elimination of the U.S. American influence will only come about through the precition of a more understanding relation of Permany towards the United States."
- Q. Con you give no a number of specific examples concerning your relation map to the United States Garing your Letin American trip?
- i. Oh, yes. Apart from my generally close contact with American circles, apart from Standard Oil of You Jersey, apart from National City Bank, I not official representatives of the United States in nearly all countries. In Brazil I not the General Consul. In Chile the ambassador invited no to lunch. I was guest of U.S. colony dinners which were held in my honor, in Peru, but let me give you two specific examples: I told all ur representatives that if they did not yet have an account with the

National Mity Bank, they should open an account with the National City Bank of 1 m York. I attached great value to this close contact with the Unite States. When passing through New York, when returning, the President of the Mational City Bank entertained no personally, Gordon Bantschot. He asked he what he could do for me in return. I told him, whell, if you could arrange an evening for an and invite a number of business people from New York, Americans, who are interested in business with the South States, so that I can tell them of my impressions and can in turn learn samething from them, I would be very grateful to you."

During this evening arranged by Gordon Reutscher I told those American busine men about all my impressions.

The second case is perhaps a little nore brief and perhaps more clear. Then I was in Line, Peru, I received a telegram from my friend, william an Rath from New York; he teld me in that telegram that the Chief of the Chamical Division of the Department of Commerce, Washington, D.C., who I know was at present in South America. He was in the same countries I was, and perhaps I would have an apportunity to see him. I did not see him, but he was present therefore I was. I found that out subsequently. When I was in Colombia senetime thereafter, I received a second talegram from Milliam you Rath. In the meantime, Mr. von Cannon had returned to America. I shall never forget that telegram. I still remarked it today as well as then. It reads: "Congretulate you favorable impression your trip in Deshington step."

. Dr. Ilgner, within the frame of these discussions, I should like to in reduce another subject. The Presecution, in their books, 44, 45, and 44, has submitted a number of emmilits. These are Exhibits 779, 791, 792, 7:5, 618, 819, 820, and 0:50. All of these embits deal with Perben's contribution to schools, hespitals, cultural institutions, contributions to charges of commerce. That can you talk so about this policy of Farbon, insofar as there was a policy of anking contributions?

17 Marc -1-Fi-13-1-Hoxsie (Int. Ramler)
Court No. VI, Case VI

A.- There was no policy with respect to making contributions but Farben as always the biggest exporter, noblesse oblige. In hospitals Bayer preparations were used. That was business. The chambers of commerce were always included in the promotion of exports. That again was business and very sound business. Furthermore, the better German prestige is a sin a country the better were the chances for export economy and vice yerse, but these are well known facts.

.- Did you yourself visit hospitals and schools during your trips, did ; : have any cultural interest?

with a narrow field of work, but I wanted to gain a general impression without which a general judgment of another country is impossible. In order to to that one must also visit the cultural institutions of a country. In addition I had and still have personal interests in the cultural and mainly archeological field.

Q.- Dr. Ilgner, what were the main tasks during your Latin American trip? 'ould you please be very brief and just give us cues?

A.- The first, questions of foreign exchange and currency. This was in connection with the devaluation of various currencies. Secondly, promotion of exports. Difficulties had arisen with various commercial firms, and that is being expressed by my export memorandum. Then there were discussions with respect to the application of mathods for the promotion of exports. This had to do with the Zov 50-million establishment, of contacts with all agencies who could help in the promotion of exports, in connection with all those agencies who were responsible for that. Thirdly, industrial projects. I just give you a few. In Brazil, there was the powder project in which the Sales Combine Chemicals was interested. The Quebrache factories. That was a question of the die stuff, sale of dies. In Argentine, cowder project initiated by Sales Combine Chemicals, There were many smaller industrial projects, the Uruguay Soya plant, in Mexico nitrogen

17 March-M-FI-13-2-Hoxsie (Int. Ramler)
Court No. VI, Case VI

facts; and a number of other projects in various other countries.

".- Dr. Ilgner, you had certain views on industrialization of a country. D. you openly excuses this view of yours during your trips?

A.- Dr. Nath, I wet forgot something, and it is very important because of prosecution has mentioned it so often. The fourth point, in the same we, as during my East Asia trip, was my endoavor to deal as extensively a possible with the general political and economic situation in the courses, particularly with respect to nationalization and industriculation intentions. I had to inform mysulf about the national and international computance, business competition of Central and Latin America. I discussed these problems with the representatives of all nations at great length, and I spoke on these metters on the occasions of dinners, and when visiting changers of commerce I always clearly expressed my views, particularly in the Argentinian Industrial Association in Buenes Aires. I also explained these ideas later at the International Chamber of Commerce in Paris, in Berlin and in New York. I manted industrial cooperation of many natio s in the interest of the increase of purchasing power.

neral i terest because your view is important with respect to the Southeast E repear complex. Would you briefly at this point tell me about your basic : oughts on industrialization?

A.- The volume of world trade before the outbreak of this Second World War had not yet achieved the height it had reached before the First World War. In my opinion one could only be constructive if these nationalization and incustrialization tendencies were met in the agriculture and raw material countries by supporting them. That meant an increase of the production volume, an increase of the standard of living, an increase of the volume of purchasing power, that is to say the increase of the volume of world trade. If one would not cooperate one would make bad investments; that is wasted money and in turn wasted purchasing power. However, these

91,28

17 Perc -U-FI-13-3-Hoxsie (Int. Ranler)
Court : . VI, Case VI

sensiti ics and these were based upon good reasons because all these countries he made their own experiences during the first world war. In other words, intional majority or else insufficient support by the country in question.

Q.- Did you ever speak about these views of yours in New York and with whom?

.- Yos, apart from the evening with Cordon Renschler when I clearly discussed these thoughts of mine, I also spoke to Mr. Walter Tengle
of the Stendard Oil Company of New Jersey, Mr. Jorden, the president of
the Mational Industrial Conference Board, and there were a number of
smaller occasions when so discussed the subject and found a great deal
of interest.

G.- We shell now turn to a new subject. We shall turn to the contributions for books which had been mentioned here. The Prosecution has submitted bubilt 91, Book 44, English page 116, German page 208. This shows the sending of books to Party agencies in South America. Can you tell me anything about that?

"more" if a favor is done to se, and I used books for that purpose. In a court country I had a number of books and pameras at my disposal and almost exclusively those cooks were non-National Socialist books, and that can be seen from many letters of thenks books about Humboldt, good literature as it is customary among educated people. Since, however, I had to give some gifts to Party agencies, I couldn't very well send them Karl lark. That is why I had to send them gome National Socialist books. I don't think there were many, but you could find that out. The fact is the majority of these books that were mentioned, were classies, Goetho, Schiller, etc., I sent to the schools. And now we are getting to the point which the Prosecution has emphasized. On this occasion after it became

17 March-M-FL-13-4-Noxeic (Int. Remler)
Court No. VI, Case VI

know that I was a man who gave out gifts, people approached me and they all : sted something, and letters to that effect were sent to me, to Germa , and I transmitted these letters to my associates and I asked them, See to it if you can fulfill the request of all these people.

Q -- And how could you execute that; how could you fulfill these wishes'

A. I studied it all hore in Numberg and now I can reply. My general policy as known to my associates. Altogether thirty dispatches of books were so t to chembers of commerce, cultural institutions, schools, etc., and about six dispatches to Party organizations.

O.- To make it clear, what about Exhibit 791 submitted by the Prosecution, containing the high percentage of national socialist books, to which consignment does that refer?

A.- That, of course, only refers to those books which were sent to part officers. Apart from that I found out, I looked through the list a fee days ago, that a number of pages were written over twice. In other word, in the original document pages have been duplicated. That means that the lists appeared to be much more extensive than they really were.

C .- I think that this error has been found out. Thy was National Socializ literature included in the dispatches not addressed to the foreign organi ation?

As you refer to the non National-Socialist literature among it, you mean?

As you refer to the non National-Socialist agencies? There I found out

that the percentage of National-Socialist books was practically non existont. That at least was the majority of all consignments. There may have
been one or two exceptions. But the reason why a few books were always
included is the following: My associates did not concern themselves persocially with these matters but asked a book service to earry through that
task, and this book service belonged to the Prussian State Library, and
that had to be used because this was the only place where second-hand books

17 March '-FL-13-5-Hoxsie (Int. Resler) Court No. VI, Case VI

were to be found only there. Otherwise they couldn't be obtained. The head of this book service, as I just found out, was not a wazi. He, on his own initiative, added a few Mational Socialist books to these book lists because as he told my associates, such dispatches were controlled by the A.O. and that 's why it was necessary to do that.

But couldn't your associates refuse acceptance of these National Socialist books suich were included by this book service?

A. - No, the entire sendings would have been jeopardized had they done so. The , were just very few. They were attached quite free. They didn't cost an thing, and you couldn't very well say no. In other words, my no-sociate couldn't exercise any influence at all.

C.- Did you personally concorn yourself with this entire sending of books?

A .- No, not at all. I only learned about it here in Murnberg. The only things I saw more the letters of thanks which were submitted to me.

DR. HOFFMANN: Your Monor, I should like to ask you to excuse the dofuncent von Der Hoyde from the afternoon's session.

THE PRESIDENT: Very wall, that request is granted, and the record may now that the defendants frauch and Ambros have returned to the courtroom from the hospital.

the Tribural will now rise until one-thirty.

(An adjournment was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 17 March 1948).

THE MARSHAL: Persons in the courtroom will please take your seats.

The Tribunal is again in session.

DR. LUMS ERT: Dr. Lummert, counsel for the defendant Kushne.

Your Honor, I should like to ask you to excuse the defendant Euchne from this afternoon's session that he may prepare his defense.

THE PRESIDENT: The request is granted. "

DR. RUDOLF DIX: Your Honor, I should like to make three applications for the correction of the English and German transcript.

THE FRESIDE T: Have you checked them with the Prosecution?

DR. DIX: The Prosecution has been informed.

THE PRESIDENT: Just a moment. As a matter of saving time I am wondering do you have that in the form of a stipulation?

DR. DIX: No, it was merely arranged with the Prosecution.

If counsel for the defendants and the Prosecution would sign the memorandum? We will order it filed and made a part of the record and order the transcript corrected accordingly, and it will save a good many minutes on presenting it. In other words, if you gentlemen agree on it, we will trust your judgment on it, and there is no use of encumbering the record and consuming the time in making a purely formal entry, so I would suggest that you sign the stipulation and when you have done that call our attention to it and we will order it made a part of the record and order the record accordingly.

MR. SPRECHER: at the request of a number of Dr. Dix's colleagues we are incorporating Defense corrections into the Prosecution motion to correct, and that seems to be a simple way of keeping it altogether mithout any turnoil.

THE PRESIDENT: Vary well, the fewer we have the less confusing it will be, and if in the future you gentlemen will agree upon

17 Mar 18-A-18-15-2-Hoxsie (Int. Ramler)
Court No. VI, Case No. VI.

such corrections as should be made and sign a memorandum to that effect, we will order the record corrected accordingly.

DR. DIX: Cartainly, your flower. I think that we have the agreement now. I think I have to send these applications to the Prosecution so that they may co-sign them with us. Should I then hand them over?

THE FRESIDENT: Just one or the other of you call our attention to it in open court. We will make the order that the record be corrected in accordance with the signed stipulation of the parties and the matter will be closed. You can do that any time. After it has been signed call our attention to it sometime and we will make the order.

Now the record may show that the defendant Ilgner has been temporarily excused from the witness stand and the defendant Haefliger recalled to the stand for the purpose of the completion of the redirect examination by his counsel, Dr. von Hetzler. You may proceed.

FAUL MARFILDER - Resumed REDIRECT EXAMEDIATION

BY DR. VON GET LLEA:

Q Mr. Hasfliger, the Prosecution in the course of its cross-examination has submitted to you a number of documents about which I wanted to examine you. Now, have you got these documents before you?

A Yas.

I shall start with exhibit of the prosecution 1996, 1997, 1996. This is a correspondence between you and Director Ziegler, Ditterfeld, in which the question of the trustee administration and continuation of Russian light metal plants is being discussed. First of all I wanted to ask you this: were you informed about the situation of the Russian light metal plants after the outbreak of war against Russia?

A Mo. When I learned that the Reich Ministry of Economics intended to create trustee companies for the trustee administration of the chamical industry in the occupied eastern territories I was also informed that a similar procedure was considered in the light metal field. I transmitted this information to the compatent electron-metal departments at Bitterfald and on the 5th of august 1541, that is Exhibit 1998, I received information from the director, Dr. Zisglar, from which it becomes apparent that the inquiry which was sent to RLM shout two months before the command ment of hestilities was not sent to me. The indication in this letter, and I quote, they say, "With respect to the incriminating negotiations with the Russians at the and of the last year and the beginning of this year, we deserve a cartain appraciation", refers to difficult lie naing agreements which at that time were carried on with the Aussian Trade Delegation in Sarlin to give the Russians a license of our magnesium process and the process of its spilication. We gove the dussian experts full opportunity to gain insight into our plants, and we efforded them an opportunity to study the production where, elthough the contract had not as yet oran signed.

Q Fardon we if I interrupt you, when was that?

A Test was in the beginning, or rether at the end of 1940 and the beginning of 1941.

Thank you very much.

A The trustes management of companies in the occupied territories was never actually realized. At any rate I never heard that a trustes company was founded in the field of light matals.

Q Mr. Hasfliger, let me put to you ame sentence from Prosscution's "maibit 1995, and I quote: "It was generally stated that a reconstruction of the Russian light metal plants cannot be considered because the labor situation, the raw material supply, etc., is too difficult to solve from the point of view of transportation." Did you know about that fact when writing your letter, Exhibit 1996? 17 Kar Li-A-IB-15-L-Hoxsia (Int. Resler)
Court No. VI, Casa No. VI.

- A No. As I said, I was only informed about that through a letter of Dr. Zieglar's.
 - Q Would you have written Exhibit 1996 had you known of that?
 - A No, then there would have been no reason to do that.
- Q Did you know anything about light metal and stripping of light metal instrument plants in Russia which is mentioned in one of the Prosecution's axhibits?
 - A No, I never heard enything of that.
- Q If I understood you correctly, you said that this exchange of correspondence at any rate as for as you were informed, had no consequence.
 - A Yes, that is true, as far as I am informed.

- 5. I most turning to Prosecution Inhabit 1999; this is a letter signed by .r. Bollmann, directed to Parbon attention Br. Hegler, Tater-Yeld. It does titl the ansatisf ctory fulfilment of French chivery shlightions concerning magnesism. The could informed about the strong contract in whatien here?
- a. To. I received information bout the agreements the agreements French L'inobité producers after the innetion was signed - 1 out; through this report of the Trade Plenipotentiary Dollin nn , whom I no how er remember. This letter fortunately refrence a compary about - only visit to Parks during the war. This ogreement came at a tile on I ats not in Germany but in Ituly, for reasons of health. I must conclude from that lotter that the young people, a one this lat Lt. Cla one andreas, a rel tive of oper andre a ser lie societary for service of had boun reigned to duty in Paris a the tehr self and and i recepte no longer cott: for Farban. They got bly a che in rough term to these producers. That was not at all in accordance with my stritume, or many years I had been very friendly rith the heals of these French concerns, especially that ferrous allogs and a tribe chloridan were concerned in which share 's verked together on the U.S.L. reject, and here riands for many page. Therefore, I wan od to be present furing the same wating in order to see that in the Juture all rough hendling should be demowithout. The conversation, as I remember, the carried on on the Friendly b sis, and dealt with the assistance we could give to the ground With respect to their plants. We also wented to see to it the blog ould centique to sugar their goods to their own French customers. I car I hard not be one about any tensions of frictions with these reach companies. I never set the person Hamen entioned. Iden't know him I can't say thought the French plants were expanded; I only know that the Frenchaun tould have liked to expand. I think, however, that sailed because of the lack of sveil bility of a torial.
 - . r. Macfliger, you cannot therefore tell us whether the non-ful-

filment or poor fulfilment of the French supply obligations are due to political respons or whether there were levelly would respons for that.

- I thought about this matter at great largeh, and naturally the situation was difficult at the time. Decisive, however, in an opinion was the technical situation. I remember at the time there was a great abortage of mater in the alps, and that, therefore, there was only a limited supply of current, so that all these plants which was a dependent upon oursent were sto god. That was evidently the reason for the deficient production and, as a consequence, non-fulfillant of the obligations. The current to deliver coal in order to make up for the shortage of the current. I can't remember these matters in detail, but we were concerned with such destinations and I am not under the impression as if these positions in for surely political reasons manded to twee the colimnions to thich tooy had agreed.
- 7. Thank you very much; and, you don't men whether Mesan was included in these negotiations as the text of the letter says?
- the mention of It. Chifford andreas it seemed that the military faministration it Paris obviously used a men the was to take care of the limited only to these authorities. In a functions he exercised actually and that subscript helped in the plant, I don't know and I can't see that area that taport.
- Thenk you very much. I am not turning to prosecution which the following to prosecution which you give about Horway. Only one testion interests _e, and I am putting the following sentence to you. I gete page 1 of the affiliavit.
 - n. 705.
- Fundament beving been told that the order was designated "Jord I do not fundament between T only want to est you whether or not this sentence is

not in conur Miction to what you have teld us in your direct causin bion shout these negotiations?

In accordance with what I remembered minimum is ving any — this I all any disposal. That was last year. I see no contradiction with — that one in direct on martion. Further and above in the efficient I say that an order of the action was not for the construction of an additional plant. I don't know whether the order for this lent named, in so were order, worsk Sydro as the partner in the napotiations. In the members I found out here in wrabing from Frof. Kraush that General Director subort of Mersk MyGro visited him in the fail of 1940 and himself suggested the cooperation with Farbon in the fail of 1940 and himself suggested the cooperation with Farbon in the fail of 1940 and himself suggested the cooperation with Farbon in the fail of 1940 and himself suggested the cooperation was also agreed to that I are on in order that the content of authority for additional Organ (I not).

ressoution what 2001. These are the indices bout the quarter meetings of the 19th april, 1939, which you also extended. During your cross examination for more taked, if I understood it correctly, little copiet to an each a c of DaG share rackage, in connection with the first could be for the prosecution which 2001 I in putting to out to a of this exhibit and I move the follows sentences: ""For F a been critical bear visiting budgest next read to investigate a possibility to bring about a incrity participation of faster languages in it than I had in Ferban 2-2 writishere." I continue quoting: ""Ith respect to massig's suggestion to memory, wasig shares which DaF shares, no oscillar can be taken at the moment." By question, in Heaflight, did this 2.5 exchange of the respect have anything to do mith Skods otaler?

... I think the metters are being mentioned here between which one must dist origh; firstly, the accessition of aussig shares through exchange of a pressburg shares, this has othing whatsoever to be take the mustica of Shods metaler. This passage, however, confirms a testimony that i the time Parben only i. Int of a capital partice, when in

Verein Proc. of not of counting the glants ussig and Falkuma in The Sidetenland. To substantiate this, I move a passage from that addited, and I quote: That is page 4, at the bottom: "light undertake to discuss the possibility of purchasing ussig as are with General to make the Dadepost Bent of Darentsing ussig as are with genticipation in the Dadepost Bent of Darent AG, I only see a very loose commetted vian the Evoda tetalor artier. Commel Director Phillip of DAG, Follow of Smell Cetalor unit Forbar, had undertaken a plan of engal in austria and it was not necessary to comme this charity in Bedapast viab was in the rich hands, for actual accusation of this charity was nevertalized. I reacher that the cultivate the safety was nevertalized. I reacher that the reach suffice if we only looks passage book accust, we said that it reach suffice if we only looks passage book accust, pur cont of Dan it as at presedure. I take that an Getting while the contains a being rate, I did not write cipate.

- The description of the second state of the second state of the second se
- Rowever, it fold refresh my memory. It is said from this december it the final conducting regetiations concerning about actuary series of many days by Director Dr. Mischer. In I have stated during the direct of an intendirect the and of March, 1938, I had a conversation with director for any of the Preditance It, but I did so take part in the negetiations.
- . You therefore cannot say have the fixing of a males paice some about of 100 per cent.
- two astillates. The commas a neutral estimate of a trustee on a sin Wichese the mas a perioded on autual consent, and further estimate from our chief

Verein Prot. of not of couring the plans wests and Palkenn in The Eudetenland. To substintiate this, I word a passing from the activity, and I quoter that is page 4, at the bestem: "Higher undertake to dispuss the possibility of perenssing wests in acraits Scheimert be a back."

Sicondly, the respect to the processed inevity participation in a course past Sent on Proceed to the processed inevity participation in a course extract on Process. General Director Phillip of DIG, Pollak of Sio. Takeing and Perbon, be undertaken a plan of margh, in mustria and it was not necessary to equire this minority in Takeings to have rise not marghed that a could accept the following the following that a markly. To said that at real suffice if we only to 16 passess bone ground; pur sunt of I am at a G at Pressbury. I think that it Getting will be able to an acceptable of these margheticals is any rate, I did not write appete.

- From the rest rest much; the tails suffice. I as not to man, to from cuttion a libit 2002, This is a file note concerning a collaboration of the or man tion Austrie, origin can from keyer- policy there is also a passage about the se mission of Skode utal a direct.

 The you informed about this file nate?
- Hencever, in cous refresh my memory. I am say from this document is the final concluding regotiations concerning Shock retains the direct of the by Director By. Hischer. Is I have select during the direct of the same the and of them, 1998, I had a conversation with Director by the freditance Lt. But I did to take part in the negotiations.
- thout of 1 0 per cent.
- the estimates. The class a neutral action of a trusted course in Vienas

secountent, director Dencker. I assume that this basis was decisive when fixing this rate. I think that I can remember that from a purely mother patient point of view one arrived at a ligher rate, approximately 210 per cent, but on the other hand the unfavorable expectations which we had as a result of the hig protective customs would also have to be also hate consideration. That is why this rate was reduced to 150 per cent. I think this reduction was very podest:

- 2. Think you.
 - a. That is my recollection on the matter.
- Thenk you were much. I am now turning to Prosecution Exhibit 2003. This is questions. During your direct examination, r. Pafliger, you mentioned, you nade a statement about your conversation with medical ungeret Mosf what, concerning the appoint and of trustees for the Polish dyustuff whent. In the Prosecution of this which I just manuscript, it is stated that hegierunger at Mosfmann at first took the view that a time moment in a none necessity to appoint such trustees. Now, r. Colliger, let me and now a hother you at all remainer the details of those negative tions?
- the Polish dicatuff plant. That belonged to the exclusive sphere of the Salas Carbina dyestuffs. Therefore, I no longer remember the details of the conversation with acgierungsrat Moffmann, and as far as I have tentified to the best of my recollection that trustees were mentioned. From Dr. Frontzel's file note we can see that Moffmann obviously on to our office; that beginned from the wented to insceed with the import of sulphur. On this possion coal was also mentioned because is I see now there was a teletype from the dyestuff department to Dr. Frankfurt. Hoffmann the dyestuff department to Dr. Frankfurt. Hoffmann the then informed that you behaltely would be in Berlin next week and that he had intentions to discuss with him and T. Which of the helph limitary of sconneces what the best course of action would be.

Thank you very much; that will be enough; Mr. Heaflight, that is amough. Would you placed be good amough to make a pause between my question and your answer and would you please speak somewhat slower. What you are telling us now is contained in the file note and there is no necessity for you to repeat it. We don't want to impose upon the time of the Tribunel. The second question which I want to put to you in this connection is the following: Even if you don't remember the exact details of the conversation, do you remember that after this conversation you did not enter into further negotiations concerning these negotiations with reference to these Polish dyestuffs plants?

A No, I was never again included into these matters; in no way whatsnever.

And you don't know anything about the motives and the background with respect to the desire to appoint trustees for the Polish dysatuff plants?

A What I know, I have learned that here in detail.

Thenk you vary much. I am now turning to Exhibit 2004. This is a latter of Gahaimrat Bosch, directed to you, on the 26th of November, 1935, in which your appointment as Swiss Consul is being discussed. After the receipt of this latter did you give Bosch an explanation?

A Yes, I remember that this latter was forwarded to us to New York, and that after my return, sometime later, I wrote to Professor Bosch and said that he was erroneous in assuming that I was discussing matters with the war Ministry which were designated as secret, and I said that I don't know about any such negotiations on the part of the Sales Combine Chamicals. I may state that this latter, which today is Exhibit 2004, was already shown to me on the occasion of the first Farben investigation in Frankfurt on the 9th of October, 1945, and that I made a short statement about this latter for the interrogator Mr. De Vine. I have found a copy of that statement.

Q Thank you vary much. There is no need for you to say that; we shall submit the statement into swidence.

A Further more I had a conversation with Professor Bosch at the beginning of 1934 which I still remarker very well, because this was the only time I was ever alone with Professor Bosch.

Frofessor Bosch told me that this matter, after my explanations, was settled as for as he was concerned, and that he had no further misgivings about my remaining Swiss consul.

4 Thank you very much. I am now turning to Prosecution Exhibit 2005. This deals with a latter which you sent to Mr. Carlo Ferrario of the 22nd of Merch, 1935. At first, tell me who was Mr. Carlo Ferrario?

A From the address you can see that he was Grand Ufficials
Carlo Perrario; translated into Gerson this would be like Wirklicher
Geheimrat, private counselor. Apart from that, Carlo Ferrario received the title Cavaliure De Lavoro, this is the highest title
which was aver granted by Mussolini to industrialists.

Q My next question, Mr. Haefliger, what was Mr. Ferroria's position in professional life? That fire did he com?

A Firrario was the sole owner of his export trade firm for chemicals, the Acienda Di Prodotti Chimici, which had numerous connections with Great Britain and other countries. A latter from him, therefore, could be considered as official. I regret that the latter of 10th of March, 1933, from him to us, which I am sure was phrased in very elaborate terms, has not also been submitted. In that latter he congratulates us on the recession of the change of the regime in Germany, and in my enswer I naturally couldn't express what my personal thoughts were. At any rate, in 1945 the interrogator Mr. De Vine asked me about this too, who had this latter of Ferrario before him, and he then laughed and put it aside.

Q Thank you vary much. I am now turning to Prosecution Exhibit 2006. This deals with a long letter which you sent to Mr.

Water Andreas and in which you expressed your desire, if I may summarize it, to get a higher selery, and in which you substantiate that request for a higher selery. In this letter passages are contained which stress your efforts on behalf of Perban. Would you please define your position towards that letter very briefly?

A This is a confidential personal latter which I directed to Mr. Andrees in order to obtain an advance in solary. The fact alone that I had to turn to Weber Andreas with regard to such a matter throws light upon my real relationship with him, a relationship which was one of superior, not legally, bur factually, because otherwise I would have had to turn to the President of the Supervisory Board, Director Duisberg, who was responsible for such matters. Naturally I emphasized in glowing terms my activities in the seles combine—that is true; but, apart from that, the latter shows in many passages the correctness of my testimony during direct examination.

Q Would you be good enough to quite it?

A I say in page 2, paregraph 1 that "for sometime already I feel that I am somewhat at a disadvantage and I feel for sometime I have been pushed into the background, and that I must indeed look on while many of my collectures are promoted over my head; for instance, this year is less than eight gentlemen were promoted from deputy member to full members of the Vorstand." Then I go in to say "the only outward sign if recignition shown to me is the fact that Debelaret Schmitz informed me recently that I was permitted to attend the meetings if the working committee. I assume, however, that I will not be an ifficial member of this committee." I continued to say "this schematic plan," this was a so-called ideal plan, which was discussed then, "this schematic plan had a depressing effect upon me, as in these circumstances I must consider myself to be only tolerated in some way as a superfluous member of the Vorstand."

17 Nar 48-A-AI-18-1-Spears-Familiar
Court 6 Case 6
Q. That, Ir. Haefliger, w

Q. That, I'r. Haefliger, will suffice. Do you have anything else to say about that letter?

A. Nothing else I can add. I regret that my personal matters get into public life in this deplorable manner.

Q. I am has turning to Prosecution Schibit 2007. This concerns the negotiations in Bitterfeld of the 17th of June 1935. The second paragraph discusses the storage of larger quantities of Solfrem ores in Central Germany. A desire to that effect was attered by the HWM. What do you know about this matter? Was there any such storage taking place to Central Germany?

A. Yes. I can't remember it exactly, but I think this was a question of the military authorities voicing the desire to remove this naterial from the frontier. Scellingen and "elegameter were located at the frontier. Joissweiler was the biggest ferrous alloy plant in Germany, and belonged to the Blektre-Vetslurgie A. G. Soellingen was the ferrous elloy plant of Krupp's. Both these plants were, and especially Weissweller, within firing distance of the Maginot line and I can well imagine that one said it would be unadvisable to store materials there. The second paragraph of this exhibit mentions transfers and I think the Prosecution's statement refers to that fact. They asked me whether I knew that already in June 1935 such transfers took place to the interior of the country. When asked that question, I said, "No, I can't remember that." I may say that this document doesn't contradict my statement. This is not a matter of a transfer but this is morely a precaution that if in case of war. Weissweiler would be shelled to bits from the fortress line at the vary first moment there would be a possibility to store these matters in Central Garmany. In reality, however, neither at Weissteiler nor in Soellingon was there any transfer of storege. I have heard that Soellingen was even expanded by Krupp.

Q. Thank you very much. That will suffice. I am now turning to Exhibit 2008. Only one copy was submitted by the Frosecution.

17 Mer 48-4-47-15-2-Speers-iemler Court 6 Casa 6 unfortunately, which you, Mr. Hanfligor, have before you. Have you got that exhibit? A. Oh, yes. €. 2005? A. That is M-14668, yes. Q. Since I don't have the copy before mo, would you please shortly state your position with respect to that exhibit? What is it? Quito briof please. A. This is the record of a conference at Bitterfold on the 16th of August 1935 which I did not attend. According to the distribution list I received a copy of these minutes. I can't remember having road those minutes, and I am somewhat in doubt that this document contains, rather what the Prosecution intends to prove. Q. Mr. Haofliger, wait for my quastion. This exhibit discusses a reserve plant -- a standby plant at Toutschonthal. Do you know mbether this reserve plant ever was built? A. No. Toutschanthal was an old plant which was constructed during the first world war and which to a small extent concorned itself with Molybdenum processing from waste products. Toutschenthal was laid up, and was nover again used for forrous alloys, This was an idea which was never executed. Later a potassium chloride plant produced substances for the magnesium industry from a Kalinum plant in the neighborhood. That was all. Q. Thank you very much. That will suffice. "nd now turning to Prosecution Exhibit 2009. This is a mamorandum concorning a discussion at the office for ray metorials and foreign exchange of the 11th of August 1936 at which Hajor Gzimatis attended on behalf of the Boich, speaking for the Reich. First of all, did you receive a copy of that memorandum? A. According to the distribution list, one copy went to Mr. Bohl and one ment to me. I can't remember having soon the memorandum. 9445

17 Mar 45-4-mJ-18-9-Spoars-Remior Court 6 Case 6

I did not attend the conference, however, Dr. Buhl dealt on his own with respect to those quote and order matters, and it is quite possible that he did not transmit those to me. Moreover, this deals with expansion orders for aluminum which we only obeyed very reluctantly and only very gradually. Dr. Peterson is being mentioned here, bor. At that time he was the leading man in the metal company. He was a non-Aryan, and he is not the president of the chamber of commerce in Frankfurt.

- Q. Thank you, that will suffice. I am now turning to Prosecution Axhibit 2010. This is an inter-office supplemental memorandum of the file notes concerning the proviously-mentioned conference. In this latter a tension is mentioned in the sector of light metals. What do you know about this matter? Do you know that letter?
- A. Me. What I said about the minutes also holds true of this file note which was also distributed in one copy each to Director Buhl and to myself. I don't more that it was all about, but there were always tensions, either there was too little swallable or there was too much. I didn't know what it was all about. I didn't know what the current business was about, and I don't know that the discussion was at the time. It may be that the VAI, that is, the Associated Burninum Flants wanted to have a discussion with respect to magnesium because they didn't like to see us alone in the magnesium field.
- I am now turning to Prosecution Lahibit 2011, which are minutes concorning discussions concorning the aluminum GMH at which you, among others, attended. I am referring to Paragraph 4 which deals with the project of the construction of a alumine cryde plant in the protected area. In that connection, can you tell me whether Ferben at any time perticipated in this project, as far as you know?
- A. No. We never participated in an alumina oxyde project in Germany. At any rate, we never were interested in it. Our alumina oxyde supply was covered by supply agreements with the aluminum industry in Wouhausen, which was a Swiss company and their German plant, and I think

17 Mar 48-A-AJ-18-A-Spaces-Femler Court 6 Ceso 6

there were also supplies by the esseciated Aluminum Plants. And then there was a firm Guidini at Ludwigshefem. At may rate, we had no alumino exyde bases for cluminum, and that is why wormer somewhat weak with respect to that industry.

- 4. In order to recent your memory, I may gut the following sentence to you from the document, and I quote, "In view of the feet that the eleminum and alumine exyde capacity in Garmany is approximately adjusted, and in view of the fact that any construction of another eleminum factory can only be considered in once ".", there is a general agreement that from an industrial point of view there is no impetus as to the realization of that project, that is may it has been agreed that the combine should not participate in this alumine exyde plant." As for as you remember, is this quotation in accordance with the course of this conversation?
- A. Wall, I racilly oun't remember the details of this conversation, but it is clear that in case of mar one has to consider that more alumina exyds would be necessar, or in increased aluminum production.
- Q. Thenk you very much. I am not turning to Prospection exhibit 2012, which is a file note you make with respect to a conversation with ir. Schnurry at the foreign office then the mitter Internet Wikkeli was discussed. Or rather, that was the only thing that was discussed. There are two questions I must to gut to you with respect to that subject. Firstly, on page 1 of this file note I gut the following to you. I quote, "The undersigned stated that according to statements made by B-ron Wrade, the deposits at interne are more important than had been originally assumed, and if the political situation in the month would be classified in the way the Correms want it, we can consider the nickel supply for Garmany as being finally assumed." What can you any about that?
- A. As for as I can remember it is only the following. In the pages contract between finhand and Soviet Russic, after the winter war of 1940 a special status had been agreed upon with respect to the Fotsemo

17 Mar 48-A-AJ-18-5-Speers-Ramler Court 6 Case 6

area according to which the sovereignty of Finland in that area was limited to a great extent; for instance, Finland was not allowed to send military forces there and was not allowed to build any fortifications. There were other directives issued which limited Finland sovereignty in that area. I assume that at the time it was stated that since we had to give large sens that would be no teachle situation for any length of time, which would give us any assurance with respect to further supply in perception. I assume, therefore, that the foreign office intended that in the case of a Aussian percent groupout they wented to elerify this very point.

17 March-A-FI-19-1-Spears (Int. Remler)
Court No. VI, Casa VI

Q.- Thank you very much. My second question, I put to you the following sentence of page 2 of the exhibit, and I quote, "Very important is Dr. Schnurre's utterance according to which he was going to use the next available opportunity in order to touch upon the question of concessions in Finland. He said he would be in Helminki shortly." Mr. Haef-liger, I should now like to ask you this with respect to this passage.

Are we concerned with the same intentions of the foreign affice of pressing for a transfer of the Petsame concession from the Canadian firm to enother firm? This is sentthing you dealt with in your direct examination.

A .- Yos. This is the same matter, the same concession is dealt with here, but it concerns a different period of time.

Q.- Would you briefly tell us what period of time did you mean during your direct examination?

A.- During direct examination I discussed our first contact in 1940.

Norse again we are concerned with June 1941. In the meantime, much has happened. I may add that as opposed to the suggestions made by the Firms to the effect that they wanted to pay for the expansion at Patsuse themselves. I said that they approached us in the fall of 1940 and asked us to give them a loan amounting to 22,000,000 marks. This loan was made by group composed of Farbon, Krupp, and motallgesellschaft, but we asked for a state guarantee by the German Reich. Maturally, on a private enterprise basis we could not give such a huge sum for an enterprise that was only 30 or 40 kilometers from the Murmansk front. As a result of that guarantee, the Reich was also involved. To my surprise, Dr. Schnurre once more brought up the questions of concessions. Thereupon —

Q.- Kr. Haefliger, Mr. Haefliger, I want to interrupt you, and please mit for my next question. Bid a cancellation of the concessions of the Conadian firm come about as a result of that of not?

A.- No. On the occasion of a social evening in Berlin at my house I took the opportunity of approaching the Ambassador Kivimaeki of Finland,

17 March-A-Fi-19-2-Spears (Int. Remler)
Court No. VI, Case VI

and I discussed with him how this new danger could be avoided. I suggested to him this, "Thy don't you suggest from the Finnish side that you were propared to found a Corman-Finnish lease company which would take over the newly German founded plants by way of lease agreement and would not touch the concessions?" He agreed to that, and that is now the negotiations were carried on. As a consequence, and I must point out that I told Kivimacki that Finland should be predominant in that company, conferences began, but the end was that everything was left as it always was. A transfer of concessions never took place.

Q .- Thank you very much. In other words, what you want to say is that again you avoided the transfer of the concessions?

A.- Yos.

Q.- Thank you very much. I am now turning to Prosecution Exhibit 2013.

This is a file note and an exchange of correspondence between you and Mr.

Ziegler concerning experiments with artillery carriage whoels made of magnesium metal. Can you tell us something about that very briefly? How far were you informed about this?

Ziegler, Exhibit 2013. In Frankfurt during one evening I coincidentally heard about such experiments with artillery wheels. I spoke with one military gentlemen — I don't know what his name was. I then wrote that I heard about that, and I asked this, "Have we been active in this field?" From that you can see that I know nothing about it. Thereupon I received Mr. Ziegler's enlightenment on the subject. It becomes apparent from his reply that we have already shown interest in the wheel question, and there was a reasonable possibility for the expansion of this project which could also serve peaceful purposes, such as tractors and agricultural implements etc., and we also offered these experiences immediately to foreign countries, Sweden, Frence, Italy, England. This was merely a development which

17 March-A-FI-19-3-Spears (Int. Rander)
Court No. VI, Case VI

and if a production of 400 tons is mentioned here, I really can't say anything but my impression is that if the German artillery had actually been fitted with such wheels, a capacity of 50 to 100 thousand tons would not have sufficed to cover their needs. Really, I don't know what the proportion of figures is in that connection.

O.- Thank you very much. I am now turning to Prosecution Exhibit 2014.

This is a file note about construction projects in Frankfurt and Borlin dated the 16th of Earch 1938. Yould you please briefly define your attitude with respect to that note which originates from you?

A .- Yos. It is interesting for me to see it written down in the files again how surprised we thre about this ect in Austria and how suddenly to realized the so-called "" question which we discussed in the commercial committee, which was always doubt with sore or less theoretically, suddenly turned into "bloody earnest". I know that at that time there was goneral constarnation in the commercial committee. Everyone asked himsoif, "That comes next?". We know that France raised a veto against the customs union between Cormeny and Austria in 1930, and we had to expect that's much stronger interference was intended. This time we thought that France would take measures in that respect, then Italy, and then probably also Czechoslovakia, which naturally could hardly tolerate an encirclement of her territory. "To said to ourselves, "A war is coming". And suddealy the discussion turned to the Grueneburg administrative building at Frankfurt was to be expanded; since this was a hobb y horse of mine and gince I had proposed for many years that the seles combine chemicals bhilding should be constructed in Berlin and that a new, large building should be built for the housing of ARFA, I thought that now was a suitable moment to propagate my idea once more. Therefore, I tried to do that, and I said that I don't want to do anything in opposition to the Sparte disci17 March-A-FL-19-4- poers (Int. Remler)
Court No. VI, Case VI

plins, but I want to openly say that whether it is north while to construct any expensions in Frankfurt where it was subject to danger and whether it would not be advisable to postpone the final decision until later when one could talk about it further. I marely took this opportunity which seemed to be favorable.

O.- Thank you very much, Mr. Haefliger. At the end of your redirect examination, I should like to discuss Exhibits 2015, 2016, and 2017 of the Presocution, which deal with the acquisition of your Corman citizenship. 2015 is a latter from Dr. Krueger and Dr. von Der Heyde to the Mahrwirts-chaftsstab dated the 11th of August 1939 in which the question of the acquisition of German citizenship and the retention of Swiss citizenship is discussed. With respect to that latter, I should like to mak you this. Sefere sending this letter, did you know about its wording and its contents?

17 Mar. No-A-OJ-20-1-Leonard-(Ranler)-Court 6 case 6

A No. At the time I talked to Mr. Mruewor and I told him that I naturally wid not want to be embarrassed in my activity by the severe regulations exainst force ners which were in effect at the time and which placed up in a very procurious position. I asked him to assist no in finding some way out so that I deale in some way avails these measures without being compelled to acquire German citizenship. ur. Krouger told me at the time: "Let this be my affair. I know about these matters and I am mure I shall find some sort of solution in order to settle the matter." Afterwards I received a letter from Mr. was nor oyde, who was untrusted with handling this watter for me on behalf of Mr. Krusstr. He explained quite generally Lr. Krusger's idea without, however, joing into details. I said: Well, for Kruepur took over this matter and there's mothing further I can may about that." I have him my personal data wideh he needed for that purpose, my data and place of birth ste. Subsequently I heard nothing. Unly after much time had clapsed - after this letter had been sent to the Military Economic Staff, I wish't wan know that the Letter had to be sent to that milice received information through Dr. Habl, I think in September 1939, and ho sent me a cray of the letter.

- Q bust exhibit are you referring to?
- A That is Exhibit 2017, dated the 30th of August 1939. The latter to the Military Economic Staff was already sent off on the 11th of August.
- 4 Mr. Macdligor, you are now saying that only after the beginning of the mer you were acquainted with the contents of this letter?
 - A Yes.
 - Q Thank you very much.
 - Mr. President, this concludes my redirect.
- DR. AUTOLF DIX: Mr. Prosident, I am now concerned about the roommination by colleagues with respect to these documents. I hear that a great number of my colleagues want to put questions with respect to these seventeen or minateen documents.

17 Mar. 18-A-0J-20-2-Loomard-Court 6 case 6

They have not received any occase of these documents and, therefore, they were not in a position to investigate them. This gives rise for no to ask the Tribunal that they circet the Proscention to the effect that if, in the future, they submit documents having cross examination, something which they are at liberty to do, they should at the same time or, at least after the beginning of the moose, hand all Defense counsel the necessary copies because, after all, we must be granted the technical apportunity ... Yey I continue?

TIC 1 RFS TOFWI: Just a memont.

Go chied, Protor.

DA. DIK: by first request was that copues are placed at our disposel. A secret request in this specific case is that exceptionally it be permitted that the remainstian by my colleagues should take place only at a time then they have had an opportunity to acquaint therealway with the contents of these decements. By third basic request is that the Prospection should adhere to the proper principle, in my opinion, to submit incurents to the porson under cross exemination, to ask him about these Commonts, to introduce them into evidence but not put any ownstions at all as they have done it here. What they did was only to proce of with their presentation of decuments at an inopportune mement of the eress extmination. I fon't think that that is admissible. In summary, my first request, at first we need copies simultaneously for the defense counsel. The second request, Defense counsel desire the right to reacmine at a latir date. Thirdly, only submit documents in cross examination only at a time when actual questions are put to the witness in compaction with these decuments in cross examination.

The STRECKER: "Fr. President, I really don't think I should say very much or have to say very much except to clarify one question of fact.
With the exception of about three decements, I believe, as Your honors will remember, there was a partial processing of those documents accomplished so that I was able to pass to Dr. von Motaler six German copuse

at the time each of the documents was introduced and, naturally, we look it to the injensity of Defense occursed to carry on from there. If particular cases had talk me that they had a specific need for additional documents we organily could have made special arrangements. Tours is just a certain light to the total amount of processing and a charical work that we can easily an as an aid to counsel apart from a routine, and we have trial to adjust this reatine as boot we can so that there is a resular distribution space to all the Defense counsel in the regular way as such as possible after this immunicate court reconsistribution of whatever copies are swallable.

Now, it's just my personal spinion that since these documents could be used in rebuttal without ever being brought into the Court Know at all, the notice which counsel get and the six orpics which counsel get pully give there an advantage which is smoothing, as a nature of rient, we would not be obliged to rive them but which we have been doing as a natter of good counsel sense as well as courtesy.

THE PRESERVE: What the Prosecutor says is ordinarily true. That is, if this was rebutted and the Prosecution used documents in the course of rebutted, the Defense would find itself in the situation of baving to deal with the cross examination perhaps under semewhat adverse circumstances but certainly one over which the Tribunal would have, unfortunately, accountral whatever.

The present situation is somewhat out of the ordinary because of the unusual number of documents that the Prosecution submitted in the course of the cross examination and the Tribunal fools that it can rely on the Prosecution's furnishing an adequate number of copies at the time the documents are offered as the circumstances will permit. We are just presently under a rather heavy I and so far as the processing of documents is concerned because of the fact that up until just a very few days ago we had some seven Tribunals operating here. That number is reduced and in the very next few days will be done to four and we have assurances that the reduction in the number of Tribunals will not

be reflected in a corresponding reduction in personnel in the processing branches an that we're hapeful that we will not be under this handcap are far as the future is concerned. The Tribunal will expect the Presecution, in good faith and within the cas mable limitations of the problem, to furnish counsel with expuse at the time they're offered.

Mew, that takes care of the matter so far as future pulicy is concerned, but does not quite correct the problem of the moment. In view of the fact that as to all amount three - I think, as I remainer from our own experience - all except three of these decuments are distributed yesternay, that is, to seem of coursel for Defense - not to all, it does secur to the Tribunal that counsel for the Defense sucht to be able to continue this exemination in this instance. This witness has been called back. We have new had to interrupt our nertal progress here of Dr. Tigner being on the stend and, on the assurance of the Tribunal that we will corporate with you, and we already have the assurance of the Presecution to the effect. Can you say on behalf of your associates Dr. Dix, can we so along with the recircet examination of this perticular defendant if we do not feel that there is wriver or admission on your part of some policy that may embarres you in the future? In other words, it does such to us that in the light of the fact that most of these distinct sure distributed yesterday, that you ther contlumen have almost as good an opportunity as your good associate, Dr. von Metaler, and he, after all, has had to deal directly with tids entter as his direct responsibility and he mas done that and has it behind him, and we feel toat you contlumen cust to be in a position to at along in the same line. an't you do it this time, Dr. Dix?

DR. DEK: As far as I am concerned I have no request. I only spoke on behalf of my colleagues. According to what they told me, a number of them, perhaps many of them, are not in a position to have acquainted themselves with the contents of these documents. They really the three themselves with the contents of these documents. They really the three whatever they are able to put any questions or not.

In this exceptional case I would like to eak you that if one individual townsel for the latense should ask to carry out the reexamination of Haefliger at a later date, and I point out in view of these special circumstances, this request be granted him except mally. Hereever, let me point out that these are only copues, in President, If the Presecution goes to the trouble to make copies, it isn't much more difficult to make twenty four capues than six. The gentlemen of the Defense are in a semanter difficult position to approach Mr. von Metzler, to disturb him, who ofter all, is preparing himself for his reexamination, in order to not seem of the Jecuments from him. I think the Tribunal has enough impolaration to see our difficulties in that respect.

Tribunal has edopted very liberal rules about the master of Dafensu counsel was are required to be in court and I think a smally the rule is eight.

I've, we have constally had encuch copies for that number of Defense counsel, but whenthe Tribunal does allow Defense counsel to be absent from the court in such great numbers, it does soon to so that these Defense nounsel who are spected into the court, according to some kind of rester which the defense has drawn up, are really in a position to see that these copies in get to the coursel who are concerned and if there, is any shortage that then they can come and take it up as a special problem with one of our associates.

THE PROS'HEADT: Well, there is a point. If you have a document processed theore's not much difference if you process eight or sixteen, as for as that is concerned, and I believe text it would help the situation if you would make a little more leavely in the future on aspuss.

Crainarily, perhaps eight are enough but micro you do have a large mader of accuments you multiply the possibility of other counsel being Interested in the subject.

Now, the Tribunal feels just this way about it. We do feel under outpulsion, in the interests of time, to close as many gates behind us are possible.

17 Mar. ηδ-A-GJ-20-6-Lecnerd-Court ő casa ű

We have triad to avoid the necessity of transferring to the Cormissioner the conducting of any examination except these in which the matter in hand was that of an afficient. In other words, we haven't seen the outlier of that afficient and we have thought that there was cortainly no point to the actuar of demanding the right of having that kind of a witness produced testers us for cross examination. We should be reductant to have to expand that rule in order to have a part of the examination before us and a part before the Commissioner, but it may be necessary. We will give you continue about fifteen minutes now to see if you can help us out of this present dilemma and in the future we will try to work out a program that will not cause a recurrence of this instance.

The Tribunal is now in recess.

(A recess was taken.)

THE ... His Hall The Tribunel is again in session.

THE FRESIDENT: Are any of the interested counsel for the defendants ready to interrogate this defendant?

DR. RUDOLF DIX: I know that some gentlemen are ready and they must to undertake redirect examination. By application was only for possible counsel who wanted some more questions take don't know the documents as yet, but some gentlemen are ready now.

THE PRESIDENT: Very well, those who are ready may proceed. We will deal with the other matter if we read a problem of that wind.

DR. HOFFELDE: Mr. President, may I ask first of all as deputy for Dr. Saidl for the defendant Dr. Deorrfeld, to have him excused for the remainder of the week to proper his defense.

BEZ PRESIDENT: That request is granted.

BY DR. HOFFILMIN

Q. Dr. Haefliger, I must to mak you first once more about those Documents 215, 216 and 217 — emidbits. Do you have them.

... Yos.

LR. SPRECHER: 2,014, 2,015, and 2,017.

BY DR. HOFFMAIN:

Q. Er. Haefliger, will you please explain to me quite briefly what the reason was why this letter was written as seen from your own point of view.

A. The reason was that in order to avoid that I be subjected to the severe measures and restrictions against foreigners in Germany, and also to prevent or to make it unnecessary for me to acquire German citizenship. I could have evaded all those measures simply by becoming a naturalized German citizen, and I actually did that two years later because by that time the restrictions had become so severe and because the Gestape had taken over this matter so that this letter actually didn't offer any security for me any one because of the ever increasing severe measures.

Q. Mr. Haefliger, but at that time when this letter was written you didn't have any desire to acquire Gorman citizenship?

- A. No, but one had to present it that may. That was Krueger's idea. You understand be could say wir. Hasfliger wants to become a German, but the firm ferbode him because of interests for Farken not to do that and the firm is going to see to it that you are not going to be molested as a foreigner." But that was Krueger's idea of westering this matter. He said "It's dangerous for anybody to say 'Spare we' if he can be told, 'Well, you can become a German', and if he than says 'Well, I don't want to become a German' that makes matters such werse." That was the whole idea of Krueger and he made statement to that effect during the early investigations. He made the affidivit which we are going to offer later.
- Q. Mr. Haefliger, any did you have no desire to become a German citizen?
- A. Well, since 1909 I had been living in Gormany. That is to say I had been in Germany for more than thirty years. I was going to retire in the immediate future, and I said to myself if I have stayed a Saiss citizen for thirty years may should I became a German new.

JUDGE BORRIS: Dr. Refirmin, I am somewhat at a loss to understand how your questions or the question of Mr. Haefliger's citizenship affects your client or as far as that is concerned affects the other defendants. Would you mind telling the Tribunal why you asked these questions; What point you are trying to prove as competent on redirect examination.

DR. HOPPIANN: Judge horris, we are concerned with the following thing. In my opinion the presception assumes that Dr. Heefliger actually was to retain his Swiss citizenship in order to be able to have certain advantages arising from this fact for the German Reich as this letter arrancously states. Now my question is directed to find out that this letter that is also signed by my client, wen der Hoyde, in its form as it is before us, does not correspond to the truth but that it is only a false front — a cascuffage — in order to conceal the fact that Dr. Haefliger didn't want to become a German citizen, and that that was the only reason why the letter was written, and it was not written with the purpose in mind of gaining certain advantages in the case of war

COURT VI CLUSE VI 17 Har 48-22-3-1-EH-Mills (Nato)

for Gormany because of the dual citizonship.

JEDGE HORRIS: All right, go shood, I found it a somewhat difficult to follow the connection.

EY DR. HOFFLIARIS

- G. Dr. Haefliger, is it true that in this twestion that you were conserred with, you turned to Dr. Kraeger?
 - A. Yos.
- Q. Are you informed about that fact whether Dr. Krueger commissioned von der Noyde to deal with this matter?
- A. I didn't know to what agamey he would turn end by whom he would have this matter settled. I didn't know won der Keydo at all at that time and I didn't know his position.
- Q. I have only one more cuestion, Dr. Haefliger. If you would be kind enough to look at Excibit 2016, that is the letter which van der Hoyde writes to you.
 - A. Vory woll.
- O. When you received that letter, did you have any objections or misgivings or more you quite sure that all this was to serve the purpose of complying with the request that you and expressed to Dr. Krueger.
- in my own way. I am going to push this through." And then I heard that wen der Hoyde got the mission from Krueger and then he was describing his method to me and I said, "Very well, he can handle it. I don't want to interfere in his affairs at all."

THE PRESIDENT: Anything further, gentlemen of the defense. Now, just a moment. Let's have a clear understanding now. Are there any of defense counsel who are in the position of not being able to examine this defendant because of a lack of epertunity to study the documents? I mean now I am talking about this perticular incident and not about any procedence in the future to commit you gentlemen. But if there is any number of the steff of defense counsel who feel under a handleap to ask for a postponement or for some other arrangement with reference to the examination, we want to afford you the opportunity to say so now so that we know we have not cut off must you regard as a substantial right.

DR. VON ROSPATT (Counsel for defendant Krauch): We have not yet had an opportunity to study the documents for the defendant Krauch and I ask that we be given an opportunity to ---

THE PRESIDENT: Are there any other besides Dr. von Respett? We have single evidence now to deal with here. Just a moment until can confer.

DR. SCHUBERT (Counsel for defendant 5 vergin): Mr. President, I have not yet had an opportunity so far to study the documents. After a short survey, however, I hardly believe that I shall have to ack the witness any further questions but, in order to really be able to study these documents. I want to formerly reserve the right to do so later.

THE PRESIDENT: Very well. Now, you two gentlemen who have just addressed the Tribunal are asked to very promptly and speedily determine for yourselfs whather or not you do wish to interrogate this defendant. By that I mean familiarize yourself with these documents and by the morning recess, ten thirty tomorrow, please give us a report and confer with us in chemiers about it so that we will have a definite understanding.

Now, may I ask you now if you two gentlemen have all the doouments you are concerned about?

iir. Prosecutor, can you help these two gentlemen to see that before the day is over they have these documents?

IR. SPRECHER: Yes, and since Dr. von Metaler is through I think they can borrow his copies also, but we will ge glad to help.

THE FRESIDENT: In other words, we do not want a re-occurence of this because of the lack of documents for these two gentlemen.

DR. VON METZIER (Counsel for defendant Haefliger): I am afraid I have not a complete set of these documents. Three are missing.

THE PRESIDENT: We will expect the Prosecution to see that the two gentlemen are supplied with the documents before the close of today's session if you can, so they may have them overnight. Can you do that, Mr. Sprecher?

IP. SPRECHER: Well, three of the documents, I don't think, have been processed and, of course, we can't do that within an hour but I believe that, if nothing else, they can be leaned from the Secretary upon the initiative of the defense counsel which is the usual way to handle that type of situation.

THE FRESIDEM: We will put it this may. We will ask counsel for other defendants the have the documents, the Prosecution and the Secretary to cooperate and to see that these gentlemen have an opportunity to get the documents before night.

Mr. Haefliger, you are not occused. Firdon me just a moment; the Prosecution may have enother quention.

12. SPRECHER: Just one or tim questions.

RECTIONS TARIFFICATION

BY 1R. SPRECHER:

Prosecution Exhibit 2002 which you have before you as NI-14503. That was the file note of Mayer-Wegelin concerning the handling of the organization in Austria during his almence. You just talked about it. Now, it is mentioned there in "that agreement concerning the acquisition of stock between us" — and then there is a parenthesis "(Director Dr. Fischer)". Is that the Dr. Fischer who in 1938 went into the Reichmünistry of Economics for certain purposes in any event?

A I don't know whether Dr. Fischer had this position at that time.

It is the same Fischer. He was in Vienna at that time where he was on business for Farben.

- Q That is Ernst Rudolf Fischer; is that right?
 - A Yes.
- Questioned about on redirect examination, those that pertain to your citizenship, I have one question. Tou have testified that you had a personal objective that involved the Reich authorities for Dr. Krueger and others involved. My question is this: do you know of any other case

where one had a personal objective involving the Reich authorities before 1939 in Germany where the authorities were addressed in terms of the eventuality of mar in order to obtain the desire from the authorities?

DR. VON METZIER: Objection, Mr. President.

THE PRESIDENT: The Tribunal is of the opinion that that matter is too remote to have sufficient probative value to justify the question. The objection is sustained.

IR. SPRECHER: No further questions.

THE PRESIDENT: Dr. Enefliger, you are excused from the witness stand but subject to the orders of the Tribunal about being recalled if we find it necessary.

BR. VON METZLER: This, in. President, concludes the case of Paul Haefliger except for a few documents which I will submit as part of the supplemental book.

THE PRESIDENT: Thenk you. I am just advised by the Secretary that the rules of his office by which he feels bound require formal order of the Tribunal to allow any of the files in the archives to be taken away from him. We do not want to issue such formal order unless it becomes necessary and if you can solve this problem without calling on the Secretary to surrender his official files overnight, please try to do it and if such an order is necessary I will personally stay about my chambers a little while after adjournment to make sure what the situation is.

IR. SPRECHER: We did have two photostatic copies in each case of those three documents and I know that either Dr. von Metaler or the defendant Haefliger were given those copies. Mow, if they have them that will help us out without bothering the Securetary.

DR. VON LETZIER: I think my client got these photostatic copies and has passed them on to Dr. Schubert, defense counsel of Buargin, in order to enable him to study these.

THE PRESIDENT: That solves 50% of our troubles, the, if Dr. Schubert has them. Very well, we will take no more time on this but report to me personally, gentlemen, if you have any more trouble in getting them

The defendant Ilgner may resume the witness stand.

MAX ILGHER - Resumed

DIRECT EXALTMATION - Continued

BY DR. MATH (Counsel for defondant Ilgner):

Opr. Ilgner, at the end we discussed the book contributions. To now turn to a new chapter, the subject of the Central Finance Administration, of lisison men, the Farbon Lisison men and assistants. The Trial Brief on page 58 deals with this matter. Although you or your plant were competent for this subject, I am going to confine myself to a very few questions since other witnesses have already talked about this subject. For that reason I think we can be very brief. I make a distinction first. Now were the Central Finance lisison man appointed?

A It should be the Central Finance Confidential Agents, under Professor Selck's chairmanship in Frankfurt on the Unio in the meeting of autumn 1931 after the British pound was devaluated.

Q What was the result of this meeting?

A At that time in 1931 a whole number of Zefi confidential agents were appointed. First of them was the Jowish representative of the Chericals Combine, Wilhelm Roth, representating five countries that he had to take care of — Czechoslevalda, Austria, Rosmania, Hungary and Jugo-slavia.

Q For what period of time did hir. Roth remain as a Zefi confidential agent?

A Mr. Roth remained formally until Austria's ennexation in his capacity as Zefi confidential agent, actually until his arrest in 1936 in Budapest.

Q Why was Mr. Hoth arrested?

A In connection with the safeguarding of Farbon's business interests in H ungary Mr. Roth was arrested. Questions of foreign exchange
control were concerned. There were so many paragraphs and regulations
about this subject that even the most hones person as was Mr. Roth could
get in trouble. Furthermore, I had the impression that during his arrest
in Hungary personal factors of the H ungarian agencies were contributing
motives.

9165

- Q Dr. Ilgner, were these Zefi confidential agents -- and later the Farcen Liaison men -- appointed; and your assistants -- were they appointed in the business interests of Farben?
 - A Only for the interests of Farben's business alone.
- Q What brought about the extension of the functions of the Zeri confidential agent and what changed these functions into Farben linison positions?
- A Originally these were only financial questions, of stabilizing the currency, for which the Central Finance Administration was compotent; but then in an ever-increasing masure, questions of promotion of exports and industrialization that is to say, industrial projects were included for which all of Farbon were in this case the commercial departments responsible; that is, the Commercial Committee, the MA. For that reason we had the Farbon limited men and not Farbon confidential agents because the other sales people would have become jeeleus.

- Q Thy were the forben lisison man given assistants?
- A for two reasons: for reasons of time the Furben lisised man sold his solds and for that reason his time was taken up almost, completely, and he and very little time for times general finencial and industrial questions. But there was a factual reason, I said already that the Farban lisisen can was a sad exam, that is a say, he had not become how questions of currency, credits, and occurrence problems were treated.

 The didn't have the training for that; he was not appropert.
- Q Thy did the assistants and Farben limited men belong in the department of Serlin N. 72
- A Year question is not quite correct. The Farbon limited upon were only in the department of NE 7 when they were concerned with the smaller function they had to take care of. But the assistants exclusively were competent for financial, industrial, and commission problems, and that was the department of competency of NE 7. For that reason the assistant was a majorr of NE 7 completely, one hundred percent.
 - Q fore there many assistants?
- A In 1938, shortly before I became ill, very many were in training but only a few of them had been sent out. Then I became ill and the wer intervened and that made the whole business superflues. The men employed as members also. They were drafted into the army; some of them left Farben.
- @ Fore there special reasons why some essistants left Farbon altegether?
- A Tes, there were special reasons, but in each case they were different. For instance, Mr. won Humbeldt was in Mexico and the Foreign office demanded his resignation of his general attitude. Mo ras an assistant of Farben limited man Pischer in Mexico City.

Then there was a fring our Lippe. We was an assistant of a Farben limisen can in Paris. "e married Princess Juliana of Helland, and then he left previously he had been working in Amsterdam.

There was another man by the name of Membacher, whom Goering applinted mayor of Vienna. Then he left.

- annihilated reports of Farbon ligison men. Tell no what brought these reports about, and what were the contents of these reports?
- any sales agents reports. In every of tweet reports there is a general introduction, and iccording to the talent and the interest of the agent this introduction was more or less intelligent. These general reports about the everall situation were later exactlidated by the I.G. Parbon limited number. They write their own stories into these reports, and all these things we needed in order to make arrangements in time in our fields of currency stabilization and financial questions. I must say new, however, that since I didn't read these reports furnerly that the standard of these reports was not very high. They were just newspaper articles that these people copied; some of them were a little batter, but the reports was can read them and find out that they contain.
- Q Die these reports also contain a paragraph about the politi-
- A Tos, they also contained a paragraph about the political situation. Only a few exceptes will be cited here. In Sweden there was not intention of building a mitrogen plant. That was interesting for our mitrogen people because of the sales. The Agrarian Party was for it and the Conservative farty was against it. One therefore had to know who has the decision in leadership at the moment. Or, for instance, in the case of currency questions, liberals were for devaluation and the conservatives were against devaluation. In the case of tarrifs and customs, one party was against it and one for it, and therefore if one wanted to take measures and steps in time one had to know what was going on, what was coming off. Frong decisions are costly, Dr. Nath. I believe you have said something about that in your opening statement.

17 Mar. ad-1-GJ-24-3-Schwab-Court 6 case 6

Q On page 91 of the triel brief it is stated that the reporting system of the Ferben liaison men began only from the moment when you made your trip to South America, is that correct?

A That is incorrect for two reasons. For one, Farbon liaison men did not exist until one year later, that is 1937. And, secondly the reports, for instance of the Best Asia representative conference existed already one year before that. But already before the first World War, the Farben agents sent their general reports, as I have already stated, and that is customery all over the world.

Q In the same place in the trial brief it says further that those reports also emtained a paragraph about military affairs. I ask your Did you or your associates give such instructions?

A No, such instructions more nover is said, and such paragraphs didn't exist in these reports. "t may have happened in connection with some powder project, etc., but generally those paragraphs did not exist.

In connection with the foreign correspondence of Farben with your South American representatives during the war, on page 69 of the trial brief the exhibit 597, Sook 46, page 118 of the Emplish and page 175 of the German is mentioned, Can you briefly say scenthin about this exhibit?

A I can't recember over having soon this letter previously. This is not a memorandum of the German ambassador in Argentina, as the "resocution contends, but this is in official instruction of the German Pereign Office in Berlin, signed by the envey Forath. These instructions were issued to all German export firms interested in the South American business and also to Farben. Forten have no influence in the drafting of the contents nor unlits form of this official letter. It is an official instruction which was only for information.

Gormany". On page 41 of the trial brief-excuse so. It is the indictment, on page 41 of the indictment there are statements about this assistance that was given to the press friendly to Gormany by Farben.

What can you say about that?

A There were definite regulations and provisi as about that in the Third Meich, aspecially the foreign or anization of the Party supervised these activities. I have already mentioned briefly that on my South american trip in Argentino there were serious complaints raised against the firm of Bayer which did not comply with these instructions.

Q Did Farben comply with these regulations? What did you do personally?

A I will give you one example. It is not very interesting. In the case of the Dayor firm in Argentina I discussed cortain things with dr. Duerfold, the deputy of Mr. Hohmann. he told me the reason for the complain. "a said the druggists and physicians were meatly Jews, and they don't read those papers friendly to Carrieny and Bayer could not get differently on account of its business interests. And in order to appease the Party wa gave the La Prate newspaper a few advertisements.

4 That is sufficient. A now subject. In the trial brief, on page 58, the transcoom subject is mentioned. The Prosecution says that you were a memour of the Ausichterat of the Transcount news agoncy and it brings this in connection with the letter, already mentioned, of Wr. Schwarte to Mr. Honzlor. That is Exhibit 790.

I ask you, when did Mr. Schwarte write his letter to Consul General Benzler of the Fereign Office?

- A In January of 1936.
- Q When din you become a member of the Aufsichtsrat of the Transuccan?
- A Approximately seven years later, in 1943, during the war.
- Q Why did you become a member of the aufsichtsrat?
- A This had completely escaped my servey, the fact that I was in the Aufsichtsrat. Farben owned a very small compulsory share in the Transocean enturprise which was transferred; I don't know to which agency. 't was desired from official agencies that Farben, just as other big firms, should send a representative to the Aufsichtsrat of that

enterprise. Since the press department was part of my function, I was sent into the Aufsichtsrat.

- Q bid you take care of your functions in the Aufsichtsrat?
- A I HE not
- Q Ir. Hence, will you please be kind enough to make a slight pause after my quastion?
- A Vas... Well, I didn't take ears of these functions at all.

 I commissioned the care of the press a compy, Mr. harde Passarre, but he didn't take care of it either, and he in turn commissioned has assistent, Wellftrador, and that person went there every year one time, looked at the books and that is all. No sigh't bether about that j.b at all.

COURT VI CLE VI 17 line 48-25-1-1-TH-Gaylord (Kntz) . I turn to selething else. In the trial brief and in the documents of the prosecution, your trip to Scandinavian countries undertakon in 133 plays a cortain pert. Tould you please britily give no the history and the background of this trip, and first of all, the automobile part of this trin. A. In 1931 I entered the advisory consect of the German Automb le Club of Gommany at the suggestion of one of the four vice-chairman, Gonciment Freiherr von Erandonstein. In 1932, the president of this Club, the Duke of Heeklenburg, ade un also vice-chairmen of that club. Q. That was the recam for your entry? A. Vory sound bus ness considerations. Geneinrat Beach in 1931 was very much concerned about the continous press attacks against the Louna gasoline; especially in 1932, the Masi press also, and especially the Voolkischer Books theer, atcashed. Behind these attacks the automobile industry was concealed because they were afraid that the introduction of synthetic specime would mean high prices and that would have mount a stoppage of the neterication, and that would have been bad for their business. . Triend of Gebeirrat Bosch's, Herr von Lorence, recommended that Caholurat Bose's got in Louch with the

outerobile industry and he recommended Herr von Brandenstein, with when

A. All, sorts of things. Accept other things in 1932 we organised

a propaganca drive through Gomeny organized by Louna, which of course

was pulled along somehow because of the foreign exchange situation at

9472

be, Lorenor, am a also accuminted. Generated Boach talked to my

collengue, Dr. Schmeider, and Dr. Schmeider talked to me because I

lived in Borlin and Herr won Brandenstein also lived in Berlin. I

talked to Herr von Brandenstein, and that established a contact.

Q. What was done to help the Launa pasoline project?

Q. Yas there anything done later in that connection?

the time.

A. Yos.

Q. You said in 1932?

- i. You; after this demestic drive through Germany already in the nuturn of '32, we decided in the automobile club that in '32 also we would argunize a drive through the industrial sectors of Germany.

 By wife teld no that in the "Swemmin Degaladet the is Stocket she had read that the British Pederation of Industries and invited Swedish industrialists to come to England to undertake a trip and to inspect the British industrial plants. I teld this fact to my president, the Duke Adelf Priodrich, and he said, with an do that too." That is to say, he was in favor of this idea. Thus we invited foreign business associates with man we wanted to do expert business to come to Cermany.
- Q. Dr. Ilgrar, in the meentine, however, in 1933, the Masis seized power. Was the Automobile Club of Cornery nevertheless resolved to execute this drive through the industrial territory?
- A. Now more than over. To wanted to emphasize that we industrialists would subsequently desire international emperation. We were against exaggerated solf-sufficiency. At that this we had the world depression. In my welcoming address to the foreigners, I, myself, coined the phrase, "No are all in the same beat."
- Q. Who was invited to garticipate in this drive through the industrial regions?
- A. Leading communists and industrialists of the European countries, amongst when were a large number of Joss who actually crue; for instance, from Hungary, His Excellency Puchecp-Neisa, when we simil deal with later in the case of Justria; Kolomen Erwin Quittner, Pottner Hazy, etc.
- Q. Did the Automobile Club of Germany at a later time organize may other trips of a similar mature?
- A. You, a whole masher of them, but they didn't last as long.

 Ifter my return from the Scandaravian countries, I suggested, for
 instance, to invite Scandinavian newspaper men to participate in an
 inspection trip all through Germany. These trips aroused the displaceure
 of the foreign ministry and more forbidden to the automobile club at
 a later time. After the 30th of June 1934, I resigned all of my offices

in the club, and shortly thereafter the Antonobile Club of General was dissolved.

- i. That because of the tempore of the automobile Club of Gur ray?
- i. Under their old chains n Duto Adolf Friedrich von Mecklenburg, they founded a fereign club which amplesized international good will.
- Q. Did you make use of this foreign club in order to execute your ideas about conservation in the Inture?
- A. Yos. When, for instance, the business acquaintanees of Parbon, bankers and industrialists, were invited at the occasion of the Olympic Games in 1936, the foreign club, the melandsklub, was also and use of to a certain extent and during the Richer Tochen, about which much has been said in 138 and 39, it actually carried the burden of the entire trips.
- O. I want to due back to your Secudianview trip that we already montioned during the discussion of the F-circle. Places give a few brief words about the reason for this business trip.
- A. .. fow months after the devaluation of the dellar, in the spring of 133, the effects of the devaluation of the pound were beginning to so felt. The new trade policy of Ingland towards Scandingvia was becoming felt. The femous Scandingvian cost agreements of 1932 went into effect. I was informed about these secret contracts by Swedish friends. These were secret agreements. The clause of the most favored country was evaded by this contract, and this endangered our business and our experts. The difficulties arising from the insocurity of the currency and also the experting difficulties resulting from the foreign political situation—those things had to be discussed with the Farbon representatives, the ZEFI confidential agents by Farbon and also discussed with the benkers and so on.
- Q. Dr. Ilgnor, it's interesting perhaps to know what nationality these ZEFI confidential agents in the Scandinavian countries had at the time. Could you please tell me that quite briefly?
 - ... In my recollection, they had already been appointed in 1931: 9474

in Demark, one Norwegian, fir. Kocmild; and one Swede, Mr. Billig; in Morway, there were two Mermagians, Otto Palkenberg and Edin; and one German, Mr. Pilling; in Sweden, there were two Swedes, Henrik Sevensson, and Herbert Lickfett. There was one confidential agent and one or two representatives.

- O. Dr. Ilgner, please tell no quite briefly the contents of your discussions that you had on your Serndinavier trip and who participated in this trip?
- in the casistent, Geometric Semiller, participated, in the trip, and Cattingau, as the sider of the Economic-Political Department; and the ZEFI confidential agents of each particular country participated.
- 4. Here all these things measures that you undertook in the business interests of Farken on this brief
 - A. Althout empoption.
- G. At that time, if I remomber correctly, there was an unfriendly scattiment tenards Germany in the foreign countries. Did you express your opinion of those things under discussion at the time in the Scandinavian countries as well?
- A. I have the basic principle that dirty lines should be washed at home, but the opinion of the industrialists, of course, I expressed with the necessary procession in all kinds of press interviews.

 Furthermore, I considered the events that improved in Germany at that time as illness of infancy.
- Q. Do you still recall any interviews? Do you remember only, and if so, please tell me briefly about them?
- A. I had collected a whole folder. I turned then over to in.

 Funk at that time the F-Circle still existed who was an old

 newspaper non. He was interested in these interviews. The following

 excuple is striking. The leading newspaper in Sweden, the government

 newspaper—and Sweden was the most important country in the Scandinavian

 countries—was called "Sesialdenokraten." This paper had on its front

 page an article about an interview entitled, "Germany Understand that

COURT VI CLUE VI 17 Har 48-25-5-A-WH-Gaylord (Kate)

one has to buy where one ents to sell." But, Dr. Nath, I don't know if you ever gave an interview. Sometimes one is astonished to find that the reporter understood more than was said.

17 March -A-LU-26-1-Arminger (Int. Kats) Court VI - Case VI Q. Did the Propaganda Minstery, or any other Nami Agency, cause you to give these interviews? A. No, that was a business trip for Farben arising from the necessity of Farben's cam business. Q. I turn to a new subject, the Wieler Wochen, on page 61 of the Trial Brief and 100 a. In these massages of the Trial Prief there are certain performances mentioned that took place during the Mieler Tochen. Would you explain what theme "ieler Jochen are" They are sailing races, just as they took place in England on the Isle of Thite. They book place before the Pirst World War every year in Kiel in June. That do these organizations have to do with the Kieler Tochen that the prosecution mentioned? A. That was only the outside frame. One must distinguish between the meeting in 1934 of the Kieler Tochen and the meetings in 1938 and 1939. In 1934, the industrial drive of the Automobile Club of Germany through the industrial region was continued. It was a good-will action and leading personalities of European countries participated, including Berlin ambassadors and envoys. Q. Do I understand you correctly that you said that the Kieler Mochen in 1934 was the same thing in its acture as the drive through the industrial region in 1933, is that correct? A. Yes, basically. However, there is one essential difference. During the drive through the industrial region, the AVD was leading. During the Kieler Tochen in 1914 the Reich Sport Leader was called in by the party at the last minute and he took over. 4. Did the character of this whole thing change in any way? A. Not basically, but the standards were lowered. The business manager of the AVD at the time, Admiral Klarisch, and I had serious differences of opinion with Mr. von Tschammer and Osten who blamed us for the fact that this whole thing was not sufficiently national socialistic 9477

in nature. We told him at the time that the idea of this whole thing was to promote international qualities and that started the argument.

- Q. Please explain what was done at the Kieler Wochen in 1938 and 1939.
- A. These events were something entirely different. They were caused by the International Chamber of Commerce Congress in Berlin in 1937. In 1937 I was cade a member of the International Committee for Foreign Trade and Currency in Paris of the International Chamber of Commerce. I gave a speech in Paris in the Spring of 1937 and at the Congress in Berlin I spoke to the full resting object the methods of foreign trade. I can give you this little story exact it:

of the Canadian Delegation approached as - I had spoken in English - and he said: "Congratulations I have been listening to your speech. It's too fundy You Germans say, "Planwirtschaft" and you subsidize your exports and we Canadians, we say, 'free trade', and we proof duty barriers." I talked to a few friends about this and said we must get together in a small circle. We are all talking past each other here; in such a large Congress you cannot do this.

- Q. What did you want to discuss in this close circle of friends, of industrialists, in order to a chieve better understanding?
- A. To put it quite simply, I wanted to fix our language to state certain technical terminology in general and we wanted to introduce that also in foreign currency problems, raw material problems, money problems, certain exaggerated self-sufficiency problems, and industrialization.

 That is what we wanted to discuss.
 - Q. Was this event conducted subsequently?
- A. Tes, before that I had told Dr. Schacht who had called me to see him for reasons of Farben business and who manted to repreach me about insufficient deliveries of foreign exchange of Farben. I asked him whether he would be ready to explain his opinion to us industrialists about those

Problems, for, after all, he was an internationally recognised expert for these problems.

- Q. Did Schacht agree?
- A. Yos, he welcomed the initiative, all the more, since personal friends of his, internationally eriented, experienced leaders of industry, for instance, General Buccher of the AEG, Consul General Diehn of the Alkali Syndicate, also supported and accepted my suggestions cordially.
 - O. Who participated in this event? A few names.
- A. I cannot give you all their names, but in order to give an approximats survey to the Tribunal who was there : From France, Mr. Tamery a former Governor, of the Bene de France. There was Leon Wenger. He was the President of the Petrofilla - by the may, he is a Jew. There was Sir Anderson who came from England, a leading ship ing export. Sir Olaf Hambros, he was the Mo. I Benjor of the Ameros firms, Sir Guiness, another well known banker. From Sweden, Pr. Hielm Sten, the Director General of the Swenska Handelsbanker and Herslow From the Credit Bank. From Hermay, Bricker the Director General of Nork Hydro arrived and Sir. Thomas Fearnley, also of the board of Hersk Hydro. From Foland came Professor Klink. He is also a Jow. From Holland Crandish from the Crandish Bank. From Bruselles Solvay of Solvay Bruselles Enterprises came, From Switzerland the well known, Internationally recognized Professor Burkhard came. There were industrialists and bankers from Germany and Mr. Pietsch, the Prosident of the Reich Chamber of Commerce who was an industrialist and Ministerial Director Berger of the Finance Ministery came at the request of Dr. Schacht. It was a private circle.
 - Q. That was the evaluation that these people gave to this event?
- A. I believe I can say that they more very much in favor of it and the statements of thanks which included their convictions show that and, Dr. Nath, men of such stature cannot be saving along by alleged espionage. They would be outraged if they would today be told that it was espionage, or perhaps, they would only smile.

17 March - A-LU-26-4- Archingur (Int. Katz) Court V I - Case VI Q. Was the same event again conducted in 1939? i. You, it had alre-dy been arranged in 1930. The British and the French suggested relient it rotate. Unfortunitaly, the war interfered. . Did you participate in 1939 goursalf? A. Unfortunately, no, because I became sick. I heard that this ontire affair was under the psychological pressure of the occupation of Prague. Q. The prosecution in its Trial Brief on page 61 says, I quote --When talking about the Misler Affair -- I quote: "Gorman foreign policy was to be discussed and a bread policy of Farbon in connection with the Reich Government and the following Forty directives was drafted." This is in reference to the Kieler Techen in 1939. That do you have to say about this quotation? A. It is completely impossible. Its irrationality is shorm by each individual fact, through many prominent taghly intelligent foreign loaders of industry and through our documents, the fact that such loading international business non in such a tence forcion political situation should also talk about the foreign political events, is a matter of course. That has nothing to do with official foreign policy of the Reich Government nor with Farty directives. Q. The prosecution in its Trial Brief on pages 61 and 100 and 101 mentions Exhibit 779, Book 40 of English page 59, German page 74. This is a report of the President of the Reich Chamber of Commorce, Piotsch, directed to the Reich Minister Lamers about the Kieler Wochen. Did you know this report? A. No, I read it here in Nurnberg. It was an attempt of an economist - I said that Mr. Pietsch was an industrialist -- an attempt to warn very courageously. I quote; "That in the case of further arbitrary actio, of Germany, a war was unavoidable." That was quite a bit of criticism for tho Third Reich. That was very courageous. The idea of Kiel was to prevent war and to maintain poaco. 9480

17 Mar 48-A-AJ-27-1-Mozsic-Matz
Court 6 6ase 6

- Q. I turn to a new subject, the deliveries of foreign exchange on Page 61-A of the trial brief, on Pages 61-A, 62 of the trial brief, the presecution makes the assertion that: I quote, "Farbon by finencing propagands and other Fifth Column activities all over the world with foreign exchange and available by Farbon, Parbon had contributed further assistance to the promotion of the Meri plans." The following exhibits are concerned, 522, 514, 525, 526 and 528, "hat can you may about those payments?
- A. The allegation of the prosecution is completely untenable.

 These payments were made as a result of efficial orders because of foreign currency control lows in Garmeny.
- Q. Dr. Ilgnor, the deliveries of the foreign exchange took place in the foreign countries, isn't that right?
- A. Yes, that is correct. It mount only for the inrbon a change in the form of the duty to turn over these foreign exchange amounts, alreasiteted by mer conditions, a surrounder that had been ordered by the government.
- of the trial brief, "These pryments were not made in innocent ignorance".

 Out can you say about that?
- A. Of course the authorities didn't think of informing private enterprise for that purposes the official Common agencies in the foreign countries monded this menoy. That was an internal affair of the cuthorities.
- Exhibit 514 and then they say on Page 61-4 of the trial brief, I quote, "On the 4th of September 1939 the Verstand approved a monthly lean of foreign exchange to the German Embassy in Mexico for the case of war". What do you say about that?
- A. It isn't the Vorstand at all. It is a local individual member of the Vorstand. Exhibit 814 is a cable of the Farben agency in

17 Mar 48-A-AJ-27-2-Hoxsic-Matz Court 6 Caso 6

Moxico directed to the Seles Combine Chamicels, an internal affair of Frankfurt. I assume that the director of the banking department formally informed the compotent Verstand member of this cable. The decision was made by the Fereign Exchange Control Agency. There was no doubt about that.

- Q. This concludes this particular chapter. I now turn to enother chapter. I want to ask you a few questions about the Chammico. On Fago 63-A of the trial brief the presecution cites a number of exhibits all referring to Chammico. The following exhibits are concurred, 888, 772, 873, 875, 876 and 877. Chammico is called a information agency of Eurban, is that correct? Places explain that Chammico was.
- A. I can only give you a picture of a small part of Chamico, that is the statistical department, which had the task of reporting about assemble and statistical facts, but in an entirely different way than is contained by the presception.
- Q. May I ask you to memor my question, what was the Chammico
- A. To put it simply, it was a limison firm especially for tochnical tasks. I believe Dr. tor worr has said a few things about it, it was an assistant in the execution of large technical tasks of Farben with the United States firms such as the Standard Oil, etc. but I am not an expert in this field. In this Chemnico there was also a statistical department.
- Q. Was this statistical department of Chammico able to make its own accommy reports, that is to any to comply with special requests of VOWI?
- A. As far as I ranamber, this datas back to 1929, 1932. I be one time intended to get this same sort of academic standing, but I believe it was only a desire of mine. It was a clipping agency for newspaper articles, a glorified clipping agency.
 - Q. Do you know about the type and the extent of the traffic of 9482

17 Mar 48-4-4J-27-J-Hexsie-Nets Court 6 Case 6

business between Chammico and VOWI since 1932?

- A. Only superficially. During the letter years since my sinkness, since 1998. I cm not informed at all. It was a routine affair. Reitinger, the chief of VOWI was conducting certain correspondence with Chamnico, with the statistical department of Chamnico, just as he was conducting correspondence with many other statistical departments. I left it all up to him.
- Q. Dr. Ilgnor, I just mentioned Exhibit 888. This exhibit gives a justification of the technical department in Ludwignhafen for the organization of Chemico. This droft was destined for a conference of the ZEFI with the Roich Ministry of Jeonomics. Can you tell me that the recent was for this droft?
- A. You, I can tell you very well. The folich Einistry of Economics criticized in an ever increasing measure the high rotainer that Farbon poid to Chemico. Foreign exchange was scarce in Gorneny and one didn't went to expend it for an economy for superfluous purposes. For that reason we had to prove. I know that one of my gentlemen in ZEFI was given the mission to conduct the negotiations. We had to prove that this would be important. We were supposed to reduce the rotainer and sind over less deliars, fewer dellars.
 - Q. Dr. Ilgner, is it correct to may that the Chammice, contrary to the prosecution's contention, didn't work in the interest of the Reich, for instance, for espicacy purposes, if Ferten and difficulties with the Reich Ministry of Economics to have it recognized that dellars by made evailable for the Chammice?
- A. Your opinion is quite correct. It is not at all true. The Reich Ministry of Recommics regarded the whole thing as a waste of valuable foreign exchange.
- Q. Does that also apply to the statical department of Chemmico, that is for that particular department which in the presecution's contention constituted the valuable espionege agency?

- A. Especially for this perticler agency, for the technical things made some sense. For that reason, in a long draft propounded by the technical department at Ludwigshefen, comprising four or five pages, only two and a half lines are devoted to the statistical department. If the Reich Ministry of Economics, or any other official agencies, had interested themselves in this small statistical department to the extent assumed by the presecution, they wouldn't have written two and a half lines about it but two and a half pages. The contrary is true.
- 5. Did the VOME, after the war broke out with England, but before the war with empires broke out, maintain current contact with the statistical department?

A I told you previously that I didn't concern myself about routine correspondence, and, as you know, during the early part of the war, until the middle of 1940, I was not a plant manager because I was sick; but, during peace time already I had not done these boutine things myself and left them up to Dr. Reithinger and now more than ever during the war did I do so. I would assume, however, that in the same extent correspondence went on between the VOMI and the statistical department of Chemnico, as was customary between other American and German firms, also at that time, but that is an assumption, not knowledge that I have.

- Q Dr. Ilgner, you are repeatedly mentioning your sickness.
- A What am I talking about?
- Q You are talking about your sickness; will you please fix for the record from what time on you were sick and until what time so that your absence from Berlin may be ascertained.

A My heart condition become acute at the end of 1938, December, 1938. At the beginning of the war, in the early days of September, after the war broke out, on the 5th of September, I came to Berlin. I was convalencing (not plant manager) until about the middle of 1940, when I again took over my full duties of a plant manager. In the meantime I was absent frequently, sometimes in Berlin, but I was not in charge of things because I had to be careful with my health.

Q One question in conclusion. The was the president of the Chemico?

A Dr. Walter Duisberg.

DR. MATH: I have concluded this point.

DR. KRAFT: (Attorney for the defendant Oster)

In. President; may the defendant Oster be excused tomorrow from the session to prepare his Defense?

THE PRESIDENT: Yes, that will be satisfactory. The Tribunal will now rise until nine o'clock tomorrow morning.

(The Tribunal adjourned until 0900 hours, 18 March 1948.)

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Ro11 10

Target 2

Volume 27, p. 9,486-9,835

Mar. 18-22, 1948

Official Transcript of the American Military Tribunal in the matter of the United States of America against Carl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 18 March 1948, 0900, Justice Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United States of
America and this Honorable Tribunal. There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE M/RSH'L: May it please your Honor, the defendant Heefliger is absent due to illness. Defendants Jachne, Wurster, Duerrfeld and Oster are excused by the Court.

THE PRESIDENT: Any announcements by counsel for the Defense? Any-

MR. MCH W: We have a very brief announcement with respect to some procedural matters before the Commissioner. As your Honors know, in the examination of witnesses before the Commissioner we had occasion to introduce various exhibits by way of documents and, since the hearings take place at the same time in many cases as the hearing of this Tribunal, we run into difficulty in continuity of exhibit numbers. Accordingly, we have taken the matter up with the Secretary General and he has given us a block of numbers well in advance. We have started with Exhibit No. 2300 before the Commissioner and we have a block of a hundred and we will maintain our own consecutive continuity with respect to exhibit numbers before the Commissioner, and I thought I should atte this for the record so that when your Honors do read the transcript and you see the gap between the exhibit numbers before the Commissioner and the exhibits here you will know the resson why TRY To

THE PRESIDENT: That would seem to be a good solution for your problem. You do not enticipate that you will hard more than one block, I assumme?

MR. AMCHAN: I hope not.

DR. LUMERT (Counsel for the defendent Kuehne): Your Honors, I ask that the defendant Kuehne be excused from nine-thirty this morning. THE PRESIDENT: That request will be granted.

MAX MANER - Resumed

DIRECT EXAMINATION (Continued)

BY DR. MATH (Counsel for defendent Ilgner):

137

160

wild.

In the

. ...

LOCKE SHE TO

10 7277

7.6 19.5

\$ -120

1000

A. Dr. Ilgner, yesterday we questioned you about Chemnico and we finished that subject. Today I wanted to discuss with you the Economic Research Department — observiated, VONI. We find the necessary material about this in the trial brief, page 64. Please describe in a few sentences the origin of the Economic Research Department.

A. In the year 1927, as the sub-department of a finance department, an archive was founded which was later called the Economic rehive or the Department 4 of VOWI. In the year 1928, Professor von Moellendorf, on the order of Guheimrat Bosch, made a trip to the United States in order to study the National Industrial Conference Board there and in order to see whether a similar institution might be useful and practical for German purposes.

Mr. von Moellandorf eaked me in New York, where I was then as an assistant to Prof. Flechtheim, to participate in this trip. The problems interested me very much. In the year 1929 the old archive, as a result of the trip by von Moellandorf and myself, was exceeded under the direction of Professor von Moellandorf into the Economic Research Department and they were aided in this by Professor Wagemenn who has been repetedly mentioned — and he also furnished as with very able people:

Dr. Reithinger, Dr. Hunsche.

This friendly essistance of Negamena can be explained by the fact that he himself was a good friend of Moellendorf and Schmitz and because he also saw some practical help for his own work in this and because farbun paid him a nice contribution for his institute every year.

In 1932 the expansion of the Economic Research Department had been basically concluded.

". Dr. Ilgner, you mention the name, von Moellendorf. Would you

please tell us briefly who Mr. Moellendorf was and how did you get to know him?

- A, I got to know him from the First World Wir. He was then a close collaborator and one could say the spiritual inspiration of Walter Brathanau. Later on he became State Secretary in the Social Democratic Cabinet, Ebert, under the Social Democrat Minister in favor of planned economy, an economic enterprise. Modellendorf was considered the spiritual father of a planned economy; not, however, in the sense in which the National Socialists later carried it out. He also became my teacher in Economics, especially during the time of the Bruening government from 1931 to 1932. I don't think that the expression would be exaggerated when I say that Modellendorf was an ardent hater of National Socialism.
- C. Would you plosse tell me in a few words, very briefly, how this Economic Research Deportment was organized and what various tasks the departments had?
- Observation, questions of currency, commercial payments, of cetera; (2)
 Observation of the Various Provinces that is foreign states, too,
 foreign trade and domostic trade, economic policy tendencies, industriallization, of cetera; (3) Chemical Markets of the World, analysis of these
 markets, prognosis of these markets, special developments, of ceters; (4)
 Firms and Financial Jachives, all large industrial companies and banks of
 the world, competitive firms of Farben, et ceters.
 - Q. Dr. Ilaner, did you perticipate personally in the VOWI?
- A. I perticipated but I understood your question to meen whether or not I worked there, pretically speaking, or whether I was just very much interested in it. Yes, it gave me much joy; foreign trade, questions of currency, industrialization, increase of the purchasing power, increase of the standard of living all those were my actual fields of interest, everything that had to do with economics, both domestic and foreign economics. I devoted a tramendously large part of my time to these problems.

- A. What principles did you pursue in carrying out the practical organization of the VOWI?
- tect with seconomic philosophy; secondly, close contect with prectical sconomics; thirdly, to do only that which was absolutely necessary in the VOVI and, furthermore, to base yourself on retainer conventions with institutes and foreign associates, and, fourth, the so-called 2-minute principle which means if someone asked anything one could immediately tell him where the information was to be found if one was not in a position one's self to give that information.

I would only like to give a brief commentary about the subject matter No. 3 — namely, to maintain only the most necessary material in the
VOVII. This explains why we had an agreement with the institute for market research, and with the World Economic Institute in Kiel, or with the
Statistical Department of the Chemica or the School for World Economics
in Vienna, outside associates at home and abroad.

Furthermore, we had an exchange relationship with important economic institutes, statistical departments, again both inside Germany and abroad — for example, in Germany, with the Reichsbank, with the loading German banks and industrial enterprises which all had an economic research department, the statistical departments of the Borlin ministries and abroad, particularly large enterprises such as "National City Bank,"

"Imperial Chemical Industries" and "National Industrial Conference Board."

The principle was a mutual exchange of economic and statistical material.

COURT VI C.SE VI 18 Mar 48-2-1-1-EM-Princau (Los)

- Q. Dr. Higner, you spoke of the principle which we know from Ramen law, "Do ut dos." That is in the relationship between WMM and the Berlin ministries. Did the WMM have any advantages because of this?
- Firster and for the properation of market analysis and marketing prognosis the statistical data in the ministries. This necessity became greater efter 1933. It became greater because the generosity of statistics in the Third Reich was also limited. Less and less statistical data was published so that the possibilities of getting statistical material from the ministries assured more and more importance for the VCMI.
- 7. With which official agencies did this contact begin and can you tell me at what time?
- the WOMI was founded, the way it developed. That was with Dr. Ritter, the later embasseder Ritter. He was then ended of the Reenande Department of the Fereign Office. He was a friend of Mr. von Neellanderf and he himself had no seemed research department of his erm and the Reich Reenandes Nimistry and not have such a department either. They all had to rely on the statistical Reich office, but they were too slow, according to the opinion of Mr. Ritter, and in the case of argent tasks he preferred to turn to the Reichsbunk and to other banks and also to us for current problems.
- Q. That was the foreign office. Now, did any other government agencies use the opportunity to turn to WMT?
- 1931. For example, when the World Beenemic and Reparations Conference was hold in London, and this led, as is well known, to the Hoover Boratorium Geneinrat Schmitz was beenemic and financial advisor to the Reichs chanceller, Bruening. Geneinrat Schmitz was given the statistical material by WOMI and he took that along to London. In London it turned out, as Mr. Schmitz or Mr. Reithinger told no later, that the

and with them. Thereupen, ir. Reithinger was requested by telephone to some and he went to Lendon and took along more material.

- n. Did the WMI clso dress up larger papers which treated economic world problems and can you name up a few?
- A. Yos, quite a number of them; for example, especially in the few years before 1933 I shall just name three: the Economic Elementary Comparison between the United States of America, Easland, France, Italy, Germany, a mork of four volumes. It was published in the years 1929 to 1932. Secondly, a European work, at that time, the ideas of autoremy crose and in order to carry ideas ad absurdum we did this work on the question: "Gen Europe be self-sufficient?" The answer was no. Third, in a Prench work, a work about France in which I participated especially intensively, the question that was asked was: "Is an economic union between France and Gensamy also an economic advantage for both countries?" The answer was "Yes." That was 1931 to 1932.
- on. Dr. Ilgner, in the trial brief on page 64, the Prospention claims that the WOMI reports were regularly sent to the Reich authorities.

 Is that correct?
- A. No. One could not say that, apart from the VOII pocket calendars, these small calendars, the may we have them.
 - n. Wes there any contect with military againsts?
- A. Hilitary agancies surely rise got some reports such as other authorities, but before the authoral: of the ser there was no contact.

 This did not change until the war; but about the time before the war,

 Dr. Math, you know I cannot give you any information because I was absent.
- Q. Did the reports of the VOII, if they were asked for by official agencies, have to be furnished to those agencies or could Farbon refuse to do that?
- A. No. We one could refuse. There was the obligation to furnish information, but it did not even occur to us to refuse that. It was to

from the official agencies. Furthermore, the VOMI, as I have repeatedly tried to explain, had the character of a public research institute.

- i. Do you mean to say by this, Dr. Ilgner, that any body could at any time use the WOII and its reports and look into them?
- A. Of course; envocey who was interested in it and who seriously asked for the information; it was no problem.
- O. Furely inthmetically, did Perben have an adventage in this in view of the considerable expenses which such a specialized apparatus demanded?
- I. I think so. I would give you only one single example. One your before the development of the U.S. dellar, the Wolf began to do work about the development of the dellar at my instigation. I made a special trip to increas for that purpose at that time. At that time Farbon had an obligation in U.S. Dellars, equivalent to 100 million marks. These were accounts receivable at least, the risk was 100 million marks. To liquidated all those risks so that when the devaluation came they were practically zero, not actually. If Ferben had not done that then, like many other German firms, it would have lost more than 30%. That means more than 30 million marks. Shortly afterwards I not ir. Schacht who was at that time not you a minister and he represented no because I did not tell the Reichsbank about this very elemby and they did not make such fortunate arrangements.

18 Mar A8-M-AJ-3-1-Ha Stowart-Los Court & Case 6 Q. This surely was a very laudable, but a unique accomplishment of the Voni, but how about the continuous current work of the VOWI? Was this done in the immediate interests of Farban? A. Hundrods of them. I was myself surprised when I first saw all of those lists of Muraberg, only the titles of almost all Ferben agoneius, commorcial and tachmical with vary fow exceptions. They continually sent requests to Vowi in Barlin. DR. MATH: Morket chalysos and prognosis were the prorequisites for the avoidance of arong dispositions, and, as I said yesterday, they cost money. For example, in the year 1934, so made a large Dyestuffs Markot analysis about Eastern Europe, especially Poland. This report plays a part inter on. ... ad this report was continually supplemented. We made a market analysis for wafe, who maked to expend their comera works at the time. We made a large - rkot analysis about soft coal for devientives, etc. Q. Dr. Higher, did I understand you correctly when you said that the dyas market amplysis for Poland was propared in 1934? i. Yos, it originated at that time, It was the famous Polish work. That was the Friendship Convention between Cormany and Foland --Q. I come to the control between Vowi and the **rmements Staff Filaudeki (wo Rue Stoff) that was made during the war. Since you, Dr. Tigner, yors absent in this decisive time, and were not chief of Burlin, Mi-7. I just ment to rak you a few general questions. Did you know the director of the armnment Staff (of Rue Staff), Dr. Thomas, parsonally, and if so, since when? i. I got to know him p resonally ground 1931. He was then A Captain, for his Excellecy Bochelberg and -djutent. Q. That was the Ordnance Office. i. Yos, he was the man who was the old Chief of the army Ordnance Office before 1933, Excellency Bockelberg. Q. Just tell us briefly what kind of a men Thomas was. 9493

18 Mar 48-M-LJ-3-2-Ils Stonert-Los Court 6 Casa 6

- A. He was very quiet, very objective, elmost afraid, very reticent. He was an opponent of the Third Reich, and in my opinion he was expressly opposed to the wer. I gathered this from a private remark which he made to me very much morried in the beginning of the war. I think 1941. He was full of anxiety.
- Q. Did one other people from the Armaments Staff (wi Rue Staff) have any close, personal contact with mon from your office?
- Nurnborg. On the basis of the Exhibit 860, submitted by the Prescention Book 47 ...
- DR. MATH: Can minute, this is baglish page 51, Your Honor, in Book 47.
 - Q. Floas: go objed.
- A. This mentions the neme, Dr. Former, rother frequently, and from this I have been able to draw cortain conclusions. Former maintained personal contact with him old University Professor, Hesse, with whom he had studied, and with whom he had studied, and with whom he had passed his Pector's experiention, and who then because a Lt. Colonel in the Arement Staff of Thomas.

Former was an Sconcrist interested in Journalism, who shortly afterwards left Forben again, and who worked as a Journalist for the Frankfurter Zeitung, and went abread as a correspondent for them; as I heard, the personal contact between the exament Staff and this wan were not known to Dr. Reithinger or to Dr. Krueger. I personally cannot say enything from my can personal knowledge, about this problem.

- Q. After your raturn from your illness to the office of Sarlin N.7. did you got to know about the private contests between Fernau and the "runmants Staff?
- A. No, this was partime, and we had other perries. I was informed in broad outline, about the obligatory work of VOWI; the other stories were past history. Lifter the middle of 1940, after I had taken over the office again, I had a list of all of those VOWI reports, which

18 Mar 48-N-AJ-3-3-Ilm Stowert-Lee Court & Cose &

I got to see all, because some had to be kept secret.

- Q. We now come to the VOWI in Vienne, Triel Priof page 65. Here the Presecution introduces Exhibit 856 in Book 46, English page 126.

 German page 147, in which the Director of the Vienna branch of the VOWI, Professor Gross, in a letter to the Dean of the Law and Political Science Faculty of the University of Vienna states as follows: "My the Branch Office of the VOWI in Vienna was founded". Will you please community on this, especially about the question of whether the excerpt given by the Freezewtien, and the reasons listed therein for the foundation of the VOWI in Vienna, can be designated as correct by you?
- In principle, yes, only the main reason is missing, the proceeding sentence in the same exhibit, and I quote: "The immediate course for the foundation of the Vienna branch, was the fact that Farbon founded the Chemical Sales Donou, Gasa, just as the Donou Chemistry Company, which represented a consolidation of the Farbon interests existing in Lustria, and furthermore, "- and now comes a sentence which the Presecution has chosen. Then it is correct.
- Q. On the same page, 65, of the Trial Frief, the Prosecution offers the Exhibit 858, Book 47, English page 39, German page 75, necording to thich Dr. Gattinoon is alleged to have offered the services of the VOVI, Vienna, to General Gautier. That can you say about that?
- ... That is an obvious error. Heithinger has offered them.

 Cattingou is mantioned in the letter, but not in the sense mentioned by the Presecution.
 - Q. and why did these gentlemen got in touch with General Gautier?
- A. Cautier was very helpful. He was very friendly to economy.

 He had to leave the wary during the war; he was anti-Nazi. That was in connection with the 20th of July, and at my instigation, he was supported, and he was given a collaborator's contract, which, however, was not carried out. It was too late for that,

18 Mar A8-M-AJ-3-L-lie St. -rt-Lee Court 6 Chec 6

- O. I would briefly like to discome with you the relationship of the VOWI to the Matienal Industrial Conference and, as well as to some other institutions. In the documents of the Prosecution, who were not industrial Conference Board is repeatedly mentioned. What can you tall us about that?
- The oldest contacts were with the Reich association of Cormon Industries. Generate Kastel spoke about this on the stand here. Generate Bosch took his our from there. He spoke about it in the working Committee of the Verstand in 1927, after his return from the United States.

Then came the trip of Meellandorf and myself, and the present history of the VOUI, or of the Mational Industrial Conference Board, was, so to spank, the soid of the VOUI.

- Q. Did you, yourself, enter into close contact with the National Industrial Conference Board?
- A. The then Fresident of the National Industrial Conference
 Board, Shgnus "lexander, who was cull known to Neellanderf and mysulf,
 asked on to become a member.
- Q. Dr. Ilgner, could you, as a German, just simply gain admission without any trouble? I must state I gether from the documents of the Prospection that this National Industrial Conference Board was a secret, or at least an organization which was to be kept secret, in which, for example, representatives of the United States war Reportment took a place in the sessions.
- L. No, not at all. That was the most open affair I have over seen, of the Conference Board and Mr. Magnus "laxander. That is what impressed as so favorably in Lamarica. this matter of course, in which they informed each other, mutually.

18 March - M-LU-4-1-Stewart (Int. Lea) Court VI - Case VI You said they informed each other mutually. Is that true also for your contact with the National Industrial Conference Board? A. Certainly. Ir. lingnus was a very able business man. He know that Farbon was the largest German, - or the largest Continental Industrial Interprise, with good economic information about industrial and oconomic conditions in Gurmany. The Matienel Industrial Conforence Board received from us, and vice verse, everything that we had, any information they desired. That is now the mutual exchange came about bewoon the Matieral Industrial Confurence Board and VO I. c. Has this contact mintained or continued after 1933 between those two institutus? A. Cortainly. There was no chase to discontinue it, Q. Dr. Ilgner, do you have a few specific examples to give for the continuation of your friendly relationship to the National Industrial Conference Beardy A. After 1933, Professor Trimenovitch of the National Industrial Conference Board, came to Germany and wanted to write a Book about Germany, and he also made a trip to Russin. I told the VOMI to give him all assistance for his book, on this trip, and finally, it turned out that the book had on inti-itai tendency. In 1936, while passing through New York I visited Mr. Jordan the successor of Mr. Alexander, and I told him in great detail about my impressions of my trip in South Americ: in 1939, - that is at the time when the political tension between Germany and America, especially because of the serious excesses agrinst the Jons, was very great. I think it was in the saring of 1939, I received on invitation to come to New York, in order to attend the main assembly or Session of the National Industrial Conference Beard, and to give them an aconomic report, - to give a lecture. Since I was sick at that time in a symitorium I had to refuse, unfortunatel; Q. Was there a similar contact or exchange of oconomic and statistical material with other institutions and firms in the United States? 9497

1025

17.75

- A. No, that never happened, it local not until the outbreak of the war, and never it my instigation. Will was an economic research department, which was available to anyone in the whole world who was interested in it. Of course, every first had so-called business secrets, and one is a little more discreet about them. These are business questions, what happened durin the war I do not know, and I need not go into that. These rulings about keeping materials secret were routing matters and a localing executive could not concern himself with it.
- Q. The last question now. Did the VOII carry on espionege, which served the preparation for war?
- i. It is difficult for mo, Dr. Math, to give a calm enswer to this, but I shall try to be objective. I emphasis, with all emphasis, NO. My whole conduct and thinking and striving, as we shall very clearly prove, was just the contrary. It served the understanding between peoples and the maintenance of world peace. Vall was one means to an end in this; it was an instrument of peace.
- 7. I now come to a new chapter the economic policy department and briefly, the TPO, Trial Brief Page So. Then did the TPO become subordinate to your
- roturn from East Asia; that was in 1935.
- Q. To whom was the MPO subordin ted until the second half of 1934? That is, before that time.
- A. It was immediately subordinated to the Contral Committee, or to the man appointed for this, Professor Solck, who was designated for this by Goheimrat Bosch.
- Q. And why, after the second half of 1934, was the MIPO subordinated to you?
- A. Because of the events of the 30th of June, 1934, Dr. Gattineau had run into very great personal difficulties. He was to be shot by the Gestape. After his release, Professor Solck, demanded the incor-

poration of the MPO, and also of the Press Office, into the Agency in Barlin MT 7, and there was the subpreferation of Gattinoau to me.

Those were the only bro departments which I had not founded myself, the personnel of which was, therefore, not selected by me.

- Q. Dr. Ilgnor, thy was the APO founded at all?
- or in the MI.3, which was founded in 1932, that is in 1931, or in the beginning of 1932, there was already an economic policy section in the Press office. It was founded at the desire of Geheimrat Bosch at a session of the Working Cormittee, during the time of the economic erisis in Germany, first of all, in order to avoid a clash in the representation of Farban interests to the authorities, and especially in the field of commercial policy interests, expert questions, customs, quotas, etc.
- Q. Dr. Ilgnor, is it correct then to say that the subordination of WIPD to the Central Cosmittee, after the second half of 1934, was not necessary, and was dropped after you took over the MPO2
- Q. Not in so far as Coheiment Bosch already in the year 1931, designated Professor Solek as a member of the Central Committee to exercise a general supervision over the entire organization, namely Parbon in Borlin No. 7 this function continued to exist until Professor Solek left in 1938. Furthermore, Perben Berlin No. 7 was an auxiliary organization, and as a result, it was in a certain relation to savaral other members of the Central Committee.
- On The Ilgner, would you ploted explain this a little more closely? That do you mean by a certain relationship of MIPO, not of MIPO, but of the entire organisation, Burlin MI 7 to some other members of the Central Committee? That do you main by that?
- A. I can be vary brief about that. In view of the Control
 Finance administration's relation to Gehoimrat Schmitz, as the leading
 financier of Farban, in view of the relation of Office of the Commercial
 Committee to Mr. von Schmitzler, in his especity as the Presiding Officers
 of the KA, in respect of the Legal Department in MW 7 to von Knieriem,

18 March - M-LU-4-5-Stemart (Int. Lon) Court VI - Case VI

and in respect to general questions, as had already been mentioned to frefessor Solck, but I would expressly explanate that this does not affect my own responsibility which I had in contain duties or transactions, or which I caused sysulf, as head of the office in Berlin NM 7.

18 Har. bbi-GJ-5-1-Schmb-(Lea)-Court 5 case 6 Dr. Homer, the Prosecuti n mentions in the trial brief, grow 66, Dyhildt dh2, Book h6, En lish para 96, On ann page 11k, the root in. 73 of the 10th of Luguet 1937, in which you mention that the "IPO has the sale responsibility for the contact of Parbon with the official approise. Was this correct in this form? . No, this was only correct with reference to certain business tasks which I have already mentioned, especially customs, quotas, etc. But since at that time the authorities always interfered more and norw in private business, the form chosen by me was over-cophasized in order to av in a confusion. The wife was inverted the reach at that time. a Could you give as a few complex with which authorities within 141 7 there was any contact? - Yas, I will name only four egosples. The Control Finance a binistration scintained contact with the Reichsbank, but also with the Reich Jan sic Finistry, that is, the Foreign Exchange Control Department, an' also with the AO, about the question of foreign exchange, otc. The maintaine I begal Department with the Finance Department or Justice I spartment, if special questions erose; the VOLI for example, with the Statistical Rotch Office. And, has alrea y been mentioned, with the Statistical Departments if the various ministries, associations, etc. The Fress tifice with the official press or mans, to the Raich Proces Office, atc. a lim want to make this very clear. There there departments of Ferben in Burlin which maintained contact-or which had to maintain contactwith the authorities, but which did not erms under jurisdiction of Horlin N 7, and therefore were not sub-reincte to you? A Thur were many departments which did not belone to my office and which still had to maintain current contact with the authorities. I mention just three: The Vermittlungsstelle W, which, for example, in technical questions maintained contact with the ammaments ministries and military economic asencies; or the Central Purchasing Office, which for example, maintained contact with the price control aconcies; 9502

ir the Papartment A, which hall to maintain contact with the OK. Counter-Intelligence "apartment.

- O Divi ar. you for payde belong to the management of the WIP'S
- In no way, after 1939 he had an elevated position. We was head clock on the bests of his excellent achievements as an agrenomist. There were only seven of such men in the VIPO; there were even seven, and in all of Barlin 50 7 there were even thirty; and within all of Jarben there were even thirty; and within all of Jarben there were several hundred.
- 9 Tr. Iltnor, the Presecution nuntioned in the trial brief, page 57, an affidavit of Dr. von der "ayde. This is Exhibit 154, Book 49, English pages 55 to 70, German page 89. I would like to quote the following sentences from it, and I quote "These reports which were sent to I.C. Berlin M. 7 usually case from the office of the December 11 Committee to the office of Dr. Il nor, and from there they were generally passed on to not to me.—that is, were der "ayde "for distribution."

Is that correct?

- A No. in women beyond evidently and to a mistake here, the affidevit which he made out here in Magraberg. Ar. was der Beyon, before
 1940, has herely any direct centeet with me, but as far as those
 ex-called monthly reports of the limited people are concerned, the
 Separtment to which ir. were der Beyon tolerand was not even competent
 for that. That was a setter for the Mile, office of the commercial
 constitute. I personally—like all other leading business men-reconvol
 excerpts westly of these reports through the BDKA. The WIPO, ton, like
 all other departments of No. 7, received a copy for its information.
- Or. Honor, then I must tell you that the Presecution tries to prove the contrary in page 67 in the trial brief. It has reference there to exhibit 420, Book 49, English page 12 to 13, German page 27. This is a record of a mailconference 40. 88 of the 7th of December, 1937, according to which Dr. Gattineau reports about the requests of State Secretary "eppler to receive reports from Dr. Beubacher. Would you please content on that?

- A woll, I see no contradictory evidence and I see nothing unusual in this, an occasional desire or request of a government official to a contlement he not. And this gontlemen here, Er. Gattineau, passes this request on in the mail conference. That is very normal.
- G Dr. Ilyner, in order to understand this better, Dr. Gattingsu was then in the WIFD, is that right?
- . Ir. Gettineau was then one of two leading non in NW 7 director of the TPO; I think he was still that at the time. I think that was just the time when he left.
- I shall leave this sector them, and I shall briefly discuss a new subject natter, the Burezu of the Scamercial Committee, the RODE in abbreveit. As here already hear that the reports of the Parben liming nown fall into the field of the PDFA. How did the BDFA originate? I would be grateful if you could tell me that, briefly.
- A Priminally Office of veholarat Schultz, in 1926—later it had several was marticus—until the 20th of August 1937, when on the occasion of the recreamization of the old Ka commercial committee it a use to be called ADKA, Byresu of the commercial Condition. The latter happened because of the necessity, namely the reorganization of the KA, for a regular contact between the leading businessmen of Farbon because of the mark severe interference increasing interference, of the official government uponous into the everall business life of Farbon.
- is the Commercial Committee the Last and finally decisive grancy for communcial matters?
- It was marely a form to discuss know-how and exchange experiences recommendations of all kinds, the sovereignty of the sales combines remained unaffected by it. For the business namagement as such—and I have already talked about this when I mentioned the by laws of the Verstand —there were other agencies. It was the strictest principle of decentralization which we believed in. I.s. remained I.S. that is, community of interest—and not a firm in the actual sense of the word.

I.G. was too large to be one firm.

- Acure rive us the tasks of the Phin, in a few words.
- secretariat, the anil of all work. The deportant functions, that is the properation of the EDEA sessions, and preparations and distribution of the transcripts, farticipation in foreign magnifications about industrial properts, hardling of problems which alone were not attractive enough for one sales combine. A typical example was the Skoda Wetzler Works, which here Roth therefore sent on to Borlin NW 7 in 1932. Furthermore, penetrally speaking, afforts to wrient come creial and financial Firben interests abroad through the I.O. limited men.

The Phase was the leading agency for corrying no correspondence with the limited men. Furthermore, the SDFA had the function of a score-tary for the East Asia committee and the Southeast European Committee. There are still a number of other reutine matters, but I have mentioned the most important ones.

- A new subject. The heading is "Procurement of information." trial brief page 67. After treating the subject just mentioned—Chenyen, V.M., WIPO, MDYA— I would like to ask you a concluding question which refers to the concept coince by the Prosecution, namely the furnishing of information, or rather the creation of an information service for official German agencies, especially the armed forces. Was there such a thing in Farben?
- that such an information service never, at no time and in no form, either in Germany or abroad, existed. Everything which Farbon received in the way of reports from whomever or from whorever they might come, were informations such as a world firm of that type meeded for its technical commercial, financial and, generally speaking seconomic decisions. I know the statistical and sconomic institutes of many large enterprises in elected all larger seconomics of the world, and therefore I think I can permit myself a judgment about this.

18 Kar hd-1-5J-5-5-Schwab-Court 6 case 6

What Ferban wid in this respect was good, and I might say very good. But fir un international company such as Farben, it was sound and normal tusiness.

9 Thank you. I come now to a different thepter-Neubabhor, trial brief page 57w. In the rount of the Prescoution the name of Neubachar appears at various places.

Dr. Ilaner, who was Dr. Meubacher, and how fid you get to know him?

I get to know if. Noubacter in 1932, in Vienna, when at that time there car dewish representative, ir. Newh, introduced as to time. if. Neubacher was then business manager of a Social Democratic building of perstive. When, in 1935, I was in South America, Mr. von Wilmowsky, the president of the Central European Leonomic Committee approached Dr. "runger and maked him whether we couldn't give Mr. Neubacher a job. After my raturn I agreed. In this connection I beard the name Concentration Camp Veallersdorf, but this and not impress use in any way. I always considered a neentration camps as instruments of arbitrariness, no matter was exployed them.

Q mus iir. Feubacher recommended to you as a Wazi?

A In an way. The recommendation of ir. won Wilmowsky, who got to a pencentration comp because of the 20th of July, needs no further comment. I hired him outside of all humane considerations because of his talents. Neubacher was a typical case of a qualified new comers, taking up a job in Farben.

G Phich position did you provide for ir. Neubacher?

A After a cortain training in \$57, her. Noubacher was supposed to go to one of the southeastern European countries. He was an expert on scuthoastern Europe, but it was too early for that. The question was not yet settled. That would have come about in 1939.

16 Harch-M-PL-6-1-Schueb (Int. Lea) Sourt No. VI, Case VI Q. - Did you have difficulties in hiring Moubacher in Berlin NY 7? A .- You; partly circles continuelly oriticised this. I didn't concorn myself so much with the metter, Dr. Krueger did, and here in Murnborg I read a latter from the AO to Farben, which we shall introduce. Q .- How long did ir. Noubcoher remain with Farbon? A .- Until Lerch, 1958, He may then during the Amechiuss, in Yugoslavis, and on the may back, after the Amenduss, we had a conference on Austria and I mented to have him attend it because he could tell us something new. Instead of coming in he telegraphed that he wanted to remain a few days longer. He thought he could hear a lot of interesting things. Two days later another telegress arrived: "Unfortunately I cannot come; Fr. Cowring has appointed at lord sever " Q .- Do you make to say lord seyor of Vionne? A .- Yos, lord mayor of Vienna, Gorring ald such furmy things. Q .- That suffices, A new subject. Dupon reports; Trial Brief page 82. Here the Prosecution speaks of a report of gentlemen of the Depont Company in Timington Dolaware which these gentlemen made about a visit in Gormony in 1934. Edd you know this report? A.- No, but I am grateful to the Prosecution for introducing it. It shows that the gentleman from Dapont at that critical period also intorested themselves in the political situation in Garanny -- not only in the commercial. A cautious business san clares does tide, especially when he has to represent a large interactional firm. I did the same thing in my travel reports about the Par Test and about South America, and our Farben lisison mon did the same thing from time to time. Q.- That suffices. A new subject, heading: "Counter-Intelligence BKW." In the Indictment under No. 58; under Point G, the following sentence reads, and I quete: "In Cormany the Farbon office in Borlin Nº 7 was transformed into the economic intelligence arm of the "chromeht." I ask you now, Dr. Ilgner you who were director of the Farben Bureau 9507

18 Parch-1-F1-6-2-Schunb (Int. Lea) Court No. VI, Case VI

in Berlin IN 7 — how often did you have contact with the hand of the militery intelligence department, that is, Admiral Cameria? How often did you have empthing to do with him in your life?

A .- Not a single time in my life; I didn't even know him at all.

Q.- Now often did you must the hard of the Economic Intelligence Department in the Weinmacht, ONF, Counter-Espionago, Colonel Tickenbrock?

A.- One single time, on the occasion of a ferencil dinner staged in

Q.- Did you ever, in any form, have any official contact with Colonel Pickenbrook?

A .- ibt a single time.

Q .- Did you know the consistent of Colonel Pickenbrock, ir. Block?

A .- You, I know him as I know a lot of other people.

Q .- Did you, at that time, know the political attitude of ir. Bloch?

A.- You, I recall I not the know him at a small social evening at Max Bahats house, the business manager of the Central European Commercial Committee, and I remember to were together: Fr. Hann, Fr. Block, who was then still a captain, and I; and Max Rober said to me then we spoke about the offects of the Masi regime abreed, and I custe: "Only a group of generals need to go into the Raica Carmesllery to arrest Miller and Mis man. Then the whole been, will be finished."

That is what he said to me in the presence of an effice of the Wohrmacht, Captein Bloch.

Q.- Who, if I understand you correctly, belonged to the Counter Intelligence Department of the 0777

A .- Yes, I think he joined it at that time.

C .- How often did you have official contact with Hr. Bloch?

A.- To the best of my recollection, once officially, in the year 1936.

Q.- How did this official conference come about, and what was its content?

18 Warch-W-FD-6-3-Schwab (Int. Lee) Court No. VI, Case VI

A .- It was around June that Mr. Bloch came to see me.

Q .- In what year?

A.- 1936. He caked to see me, and he came to my office. He told me that he had indirectly received my large report on the Fer East and he wanted to have a copy directly. He paid me a few compliments about it and he asked me how it came to be written. I told him how; I told him my whole manner of working, the questionneires, etc. And then Mr. Bloch tried to ask me whether I would not include some questions which interested him, and I explained very clearly to Mr. Bloch - that was at the time when the Farben export was a very important problem — that Parben "is the largest producer of foreign exchange in Germany. Farbon can and must not compromise itself. If the ONT demands information which refers to the normal business in Farben, then I know that there is an obligation to furnish such information." But I told Mr. Bloch very clearly the negative attitude of my business colleagues, especially of my colleague Dr. von Schnitzler and Mr. Bloch immediately said very politely that he understood.

DR. SCHUBERT: (Counsel for defendent Buergin): Ir. President, you wanted an explanation before the morning recess about whether questions are to be put to the mitness Haefliger. I, on my part, have no questions to ask, after having looked at the documents. My colleague, Dr. von Respett, the also reserved his right here yesterday has empowered me to state that he also has no questions to put.

THE PRESIDENT: Thank you, counsel. Then we shall treat the exemination of the defendant "cofligor as completed.

The Tribunal will now rise for its recess.

(A recess was taken)

18 March-N-FL-8-1-Gaylord (Int. von Schon Court No. VI, Case VI

THE !ARSHAL: The Tribunal is again in session.

EY DR. MATH:

Q.- Dr. Ilgnor, before the recess you were saying that Mr. Block of the OM? counter-intelligence had a conference with you and you said at the end that he desisted from his request very politely. What do you consider the reason for this?

A.- I have to correct you. It wasn't a request; it was an inquiry really. But the reason why he withdrew so quickly I learned later. Professor Selek had reached an agreement with Admiral Cameris — I learned this only later — that Farben would not be given any request by the CMN counter-intelligence simply because Farben, with its very sensitive stend abroad and its great importance for export, was much too important to be burdened with such matters.

Q.- Do you know what the practical results of this meeting were? Did
you ever ask your associates whether anything followed?

A .- No.

Q .- Dr. Ifgnor, please pause after my question.

A.- No, I never heard anything about it and I never inquired about it. I invited him to lunch at the Casino with some associates later. The whole talk with my associates was so general and so non-committed that I was sure that my associates, which included Mr. Sachser, observed the necessary reserve. Moreover, I went again on a long trip abroad very soon thereafter.

Q.- Do you know whether before the outbreak of war, reports from your current business of Farben were actually sent to Mr. Blochour his department ONT, Counter Intelligence?

A.- I personally never heard of it. I am speaking of the time before the outbreak of wer. If there had been any contact worth mentioning, howover, I as the man in charge, would have had known about it in spite of my frequent absences.

18 March-19-FI-8-2-Gaylord (Int. von Schon) Court No. VI, Case VI the outbreak of war.

0.- You amphasized that you mere speaking about the period before

A Y YOS.

Q .- When and in what way did you learn for the first time that reports were being sent from your office M.J.J. to the OKY, Counter Intelligence?

A .- By a complaint made by the ONT, Counter Intelligence Department. This was about the second half or the middle of 1940. The Abwahrboauftragtor of my office W:/7 passed this on to me, according to his instructions from the ONT. The ONT complained therein about the lack of support from my office. I do not rocall the details.

.- What did you do about this complaint?

A .- At the most mail conference, I told my esseciates that the persons involved would got in touch with Mr. won der Heyde in order to comply with the complaint of the ONT.

Q .- Yoro such complaints frequent?

A .- I can recall two or three such instances thich were reported to me personally and which I would bring up at the mail conference.

C .- Did you ever inquire efterwards whether the wishes of the OKW had been complied with?

A .- I did not inquire, nor was I interested in it; not a single time. That was a field with which I had no contact in practice and in which I ims not at all interested in.

Q .- Did you officially have anything to do with the successor of Major Bloch, Major Feeke, who in 1943 book over the Counter Intelligence?

A .- No, not a single time.

Q .- How often did you encounter Major Focke in your life?

A .- As I recall, I met him twice. The first time was at a lecture which he held at Heidelberg in the spring of 1944 for the entire Verstand of Farbon. It was a Vorstand meeting. It was elementary instruction about counter-intelligence questions. The OKV held a poor view of I.G. Farbon

18 Merch-M-FL-8-3-Goylord (Int. von Schon)
Court No. VI, Case VI

mid wanted to tall us may those things were necessary. That was where I not him. Then my wife was not allowed to go to visit her mother in Sweden — the Gestape or semeone had forbidden it — this is in 1945 — I want to the Reensmic Referent of the SD in Berlin at their Schellenberg office. This was a man there named Professor Schmied when I had seen in Vienne when he was an district economic adviser. Then I came out of the office, I met Mr. Focke just in passing. Mr. Focke thinks that he saw me s third time. He has given an affidevit on this. In 1943 when he took over the office, he made initial calls on several big firms in Berlin, but I believe that he is mistaken when he says he spoke to me. Perhaps he spoke to my representative, because when I saw him a year later in Heidelberg, as I have just mentioned, I did not know him, and Dr. Fahle, who was present, introduced us.

Dr. Nath, it would be quite irrelevant and uninteresting to determine whether I have seen ir. Focke twice or three times, but since the prosecution contends that I had such intimate contact with him, it is important to make the facts clear.

O.- Dr. Ilgner, you remarked just now that the counter-intelligence matters were of no interest to you. Can you tell me very briefly, please, a few examples of this?

A.— for, I shall give three very brief examples. In my evacuation office at Bug, which has been mentioned repeatedly and where, I, myself, was
located toward the end of the war, I had amongst others some French prisoners
of ser building emergency homes and working in agriculture. There was a
Frenchman there named Pierre Vermier. He had some technical training. I
myself employed him as a telephone operator and a checker for the whole
telephone system of the entire evacuation office. This was, of course, impossible in view of the counter-intelligence relations. With great regret
I had to rescind the appointment.

Then there was a regulation issued by the counter-intelligence office

18 March-M-FL-8-4-Gaylord (Int. von Schon)
Court No. VI, Case VI

during the war that anyone travelling abroad had to draw up reports of is trips. My counter-intelligence official Abwehrbeauftragter - Dr. Ruediger, the successor of von der Heyde, who held this office for the most important period, warned me repeatedly that I too should make such reports. I was abroad quite frequently. Not a single time did I prepare or turn in a report. Toward the end of the war, the demands of the Wehrmucht were constantly increasing. Since Ruediger was a rather young man, I released him for the 'chrmacht, Ruediger told me that the counter-intelligence authorities manted him to remain the counter-intelligence official. I seid to him, "All right, If the authorities want you to stay here, they should have you deforred; I won't." And I didn't have him deforred any more than I thought it necessary to defer his predecessor von der Heyde who was also drafted. The failure to defer Ruodiger was especially noticed by many people in the office and many of them didn't like it because at about the same time there were two half-Jews, Mr. von Maltzan and Broich-Oppert, both of whom could have been dispensed with and could have been given to the Tehrmecht, but I transferred them to other departments for the sole reason to have them deferred and prevent their being drafted into the OT battalion because that probably would have meant their death.

18 Mar 48-M-MR-9-1-Arminger (Int. von Schon) Court No. VI, Case No. VI.

A final question on this subject: what do you know about the extent of the total activity of Farban in the Counter-Intelligence Field?

A Dr. Nath, the fact slone that the important man in OKT Counter-Intelligence for Economic questions, Major Folke, as late as 1914 - I believe it was March, toward the end of the war - thought it necessary to give the whole Farben Vorstand elimentary instructions, because it was that and nothing also, about the necessity of the work of the Economic Department of the OKA Counter-Intelligence, proves clearly enough that this work in the opinion of the authorities was completely inedequate.

Q Another subject, Dr. Ilgner. Did you ever have any official daslings with the SD or the Gestapo?

Private nature. This was in Fabruary or January, 1945, in connection with the incident which I just mentioned when my wife as a Swede was not allowed to go home. This ban had been in force for years. As I said, I went to see the Referent Dr. Schmied at his office and the result was completely negative. The feeling against Farben and myself was very strong; we were on the blacklist. I learned all that I from the Verstand mamber of the Allianz Insurance Company, who, during the war, was a captain in the Landwehr and was sent to this office. He came after me on the steps and was sorry for me and wanted to console me.

Q The prosecution, however, has offered Exhibit 915, Book 49, English page 50, German page 76. This is the affidavit of Mr. Diels of 30 January 1947. Mr. Diels states that at the beginning of September 1933 you called on him in the office building of the Gestapo. How do you explain Mr. Diels' testimony?

Mr. Diels has already said something here on the stand about a "confused conversation", as he called it. I would assume that his recollection of our very brief encounter in 1935 has suffered from

confusion too. The facts are as follows:

On the 6th of September, 1953, that was the day before my youngest daughter was born, I returned from my trip to Scandinavia. as I have already said, I had reported my critical impressions of this trip in the P-Circle, but I was not satisfied with the reception which my report had received particularly with the impression on Mr. Coabbals. I told the Vice-Fresident of Schurz Association, Dr. Draegar, shout it and he said, "We will have to see whether Wr. Goering can't be informed of this." He said there was an acquaintance of his, who was an old democrat, ir. Diels, who was a good fellow, who had very close connections with Goaring, who was always in the Hotal Bristol and who always ate breakfast there. I was once in the Bristol with Dr. Drasger and he said "There is Mr. Diels," and he introduced us and than I told Mr. Diels about the information I had gotten from Sweden and the rest of Scandinavia. I don't know - perhaps Mr. Diels did not understand may perhaps this information was embarrassing to him. I spoke about the Jewish boycott, about the militaristic questions, about the changing of the flag. I spoke about the unfortunate figure of Mr. Books, but perhaps he didn't want to go into it. There was a very brist conversation and there my recollection agrees entiraly with that of Mr. Diels. The meeting mede no impression on ms and I considered it so unimportant that contrary to my custom, when I came to my secretarist, I did not tell either my assistant or my sacretary about it so that ha was not even put in the "MET" file where I usually registered all the people whom I met. That was my ancounter with Mr. Diels.

Q And that is enough on this point. Dr. Higner, I now take up a new subject, the alleged Farben espionage agents abroad. At Trial Brisf page 70, the prosecution contends and I quote: "Farben maintained and financed several agents abroad who were engaged in espionage, and in some cases they worked exclusively for the Abwehr." Is that true?

a Cartainly not. Such a thing naver existed in Farben.

The prosecution relies for this essertion on an affidevit of Dr. Krueger and an affidavit of yours. These are Exhibits 377, Book 17, English page 18 and 20, German page 34 and following; also Exhibit 328, Book 46, English page 104, 108, 109, German page 123. Both exhibits deal with the following three gentlemen: first of all, Freiharr von Lerener, second Wilhalm von Fluegge, third, Dr. Kusgler. What do you have to say about that?

A I have given a new affidavit in which I have corrected my pravious affidavit in a number of points. About these three gentlemen I have to say the following:

Mr. von Larener was a holf-Jaw, definitely anti-Nazi. In 1939 ha left Garmany, because he did not like to live in Garmany any more. This was with the consent of Gahaimrat Bosch who was a friend of his and with financial assistance by Farban, with which he had an old ratainer contract since long before 1935. He went to Turkey. He worked for understanding even during the ware. He had nothing to do with aspionage or OK: Counter-Intelligence.

Mr. von Fluagga was also a half-Jaw, an old Resistance man. He belonged to the Circle of Max Hehn and Dr. Edgar Jung, Bloch, and so forth. In 1939 he went abroad under the camouflage of the OKW Counter-Intelligence Work, and worked there for the Resistance Movement. Until quite recently I myself did not know the details, since I left in 1939 and was not present. I was not informed letter, because the office of Dr. Krueger had demended that only one important man should be informed and this on account of the risk for the resistance movement, and Dr. Krueger, of course, did not inform me. It is untrue that this had anything to do with aspionage agents. Moreover, Farben had just as little to do with this whole matter as with the matter of Mr. von Lersner.

As for Dr. Kuegler, he was a soldier during the war and for a time he was assigned to the OKW Counter-Intelligence. This was

an assignment on which Farban had no influence at all. This was purally a military assignment during wartime. The fact that he was paid is nothing unusual; all the officials of Farban who were drafted into the Wahrmacht received S5%, or semething like that, of their salary from Farban, without exception.

That is sufficient. I now turn to enother chapter, clleged aspironage work in China in the Trial Brief, page 70s, Exhibit 523 is mantioned here in Book 45, English page 179, German page 242. It is said and I quote, "The agents and employees of Farben in China participated to a large extent in the espionage and propagends work there." That do you have to say about this document?

I read it very corefully. Aside from a quite general remark there is nothing in it that justifies the prosecution's contention, but it does say, as I have already explained very corefully here on the stand — these were normal surrenders of foreign exchange from Farbeh export business in China during the wer on the basis of the well known regulations regarding foreign currency which had existed in Ourmany sinck 1931.

go on to individual cases falling under Count II, under the title, "Flunder and Speliation," chosen by the prosecution, I should like to ask a few basic preliminary questions: First of all, I should like to go into your knowledge, or lack of knowledge, of the coming war, the so-called invasions and wars of aggression. Dr. Ilgner, what did you personally know of a coming war?

A I was firmly convinced that no war was planned and certainly no war was coming.

Q Why did you personally believe to the last minute that there would be no war?

A First of all, because of my mentality. After the Austrian question and the Sudeten question had been solved with the approval of

the world without marfare and it seamed to me that war was pure madness. Any war had to mean a weakening of Europe and a strengthening
of Bolshavism and that was madness. Besides, I was sick. I was in
a sanitorium in Switzerland and after that in Austria, and I was not
in very close contact with the course of events, but my basic ideas
and convictions were not affected by that,

Q How did you learn for the first time of subsequently political events, first of all, the Anachluss of Austria?

Q What do you know about the Goering speech in the Herrenhaus in 1936?

At that time I was on my way back from South America. I was mid-ocean. I came back on 22 December. I did not read the speech itself. This statement which was given here "There was just no shooting" or something like that, I never heard that. I do remember that someone — who and where this was, I don't remember — told me something else about it that has not been reported here about the determination of the Third Reich for autarchy and Goering is supposed to have said something to have said something like the following — I quote from memory, of course. We will bore to the navel of the earth and woe to the economist who does not collaborate! Into the abyss with him!" That is what I remember of the speech.

Q Dr. Ilgner the prosecution says in the Trial Brief on page B9 as follows; and I quote: WAny intelligent man in Germany must have realized from the very moment of Hitler's seizure of power that the Third Reich was head inevitably toward war." Can you mention any intelligent man who had a different opinion?

A Yes, Ambassador Dr. Ulrich von Hassel, who has been mentioned repeatedly. Von Hassel, as has been said, was very Anti-Mazi. In 1937-38, he was a personal enemy of von Ribbentrop's and, as such, was dismissed from the Foreign Office. He was a prominent member of the Resistance Movement. He was considered one of the best and perhaps the best man in the Foreign Office. After the successful assessination of 20 July 1944, he was to be Foreign Minister of the Goerdeler Government, that is, the Resistance Government.

Hassel was condemned to death by the People's Court and hanged in the Spring of 1939. Hassel did not believe that Hitler has aiming at war. In his opinion, Hitler's endeavor was to gain success in foreign politics without letting it come to hostilities. It was only in 1939 that Hassel began to doubt, and, as Hassel thought, so though many people in Germany, and from them the war was a complete surprise.

not enough export articles available, what could be developed or grown

in Southeastern Europe in the agronomic field that could be explored to

Q Dr. Ilgner, were these not considerations which made very

exchange credits were withdrawn by other countries in the summer of 1931

- I have already discussed that repeatedly - there was a great scarcity

of foreign exchange and that was another reason for these measures.

9521

A Yes, that is true, but it is different too. After the foreign

Germany.

long range measures necessary?

Control of foreign exchange was introduced at that time as we know and the measures to promote export began.

Q Were these the only reason or did you have other basic considerations for being interested in Southeastern countries?

A Dr. Nath, they were essentially the same ones which I have already described. The basic realization that the diminished volume of world trade could be increased only by helping these countries to davelop their economy. To intensify their industrialization was only a part of this. One could achieve an increase of world trade in this way, and besides and this was a very important consideration — it was a wonderful supplementation for Southeastern Europe and Germany. They had a surplus of agrarian products which we needed and we had the industrial products which they needed.

Q Here you at that time a member of any special economical organization which was dealing specifically with Southeastern Europe?

A Yes, in 1931 I become a member of the Council of the Control European Economic Diet.

Q Will you please describe to the Tribunel what that was?

A I can do that very briefly. A private society, whose members represented about 12% of German total exports, no, not 12% of exports to the whole world, but only to Southeastern Europe, only to this part of the world, on the basis of private initiative a private corporation incorporating the corporations interested in export to the Southeastern Europe.

19 Mar 48-M-AJ-11-1-Hoxsio-von Schon Court & Case 6 Q. Thank you, that is enough. Dr. Ilgnor, in the next fow years after 1931 did you personally take any further interest in the Southeest? A. My big trip to Southeast Jurope was in 1932. After that I had no active personal interest since than there were other problems in the foreground, devaluation of the deliar, premetion of exports to eversias. I made at that time my big trips to East .sia and South America. It was always my principle and my working method to take up problems, investigate them thoroughly, and then if they were sould and interesting to put good people on them, and so at that time after 1932 I put min like Wilhelm von Fluence, Kurt Forb, in charge of Southeast Europe. Later Dr. Krueger, my deputy, took a very big interest in this after '33, '34, later Mr. von Heieck, Ruegler, Helmording - the actual promotor, and if I may say so, the one the gree me the test for this. who mide the important point of view clear to me, one our agent -Tilhalm Both at Visanz who was with me on this car-trip through Southeast Europa in 1932. In the years ofter '33, ms I said, until ofter the Anschluss of Lustrie, I myself took really small interest in those problems for the reasons mentioned. Q. Dr. Ilynor, did you tell your ideas about developments in Southeastern Surope in the economic field to the Public? L. Yes, reportedly, most closely purhaps in my Vicana locture . at the general assembly of the M.T in 1940 during the war. Q. In the time before the cutbrook of umr, did you join any other Southerst European organizations? A. No. The Mar remained the only one. In 1938 Mr. von Wilmowsky suggested me as vice-president and I was elected by the members. Q. Did your whole activity in Southeastern Europe have anything to do with official trends? A. I night say on the contrary, the National Socialist agencies before the outbreak of unr word comparatively uninterested in Southeastern Buropo. Farban, homever, and above all the M.T. were following purely 9523

18 Mar 48-M-AJ-11-2-Hoxsie-von Schon Court'6 Caso 6

private interests.

- Q. I put to you the document of the presecution. Exhibit 1064,
 Book 52, English Page 41, German Page 51. This is an affidevit of Ar.
 Nonek who states that German foreign policy regarding Southeastern Europe was assentially in agreement with your own Balkan interests which were expressed by the fact that later your Dr. Ilgner, were appointed chairman of the Southeastern European Committee of a Reich Group Industry. He says that the preminent membership of Ilgner and Farben in the Control European Seement Diet were part of this phenomena. Will you please someont on this?
- A. As for the statements of Mr. Neack in his Nuraborg affidavit I must say that Mr. Neack is not acquainted with this field at all.

 He had nothing to do with the Southeast. His statements are, therefore, unfounded and absolutely incorrect. A few facts alone will prove that they are incorrect. Mr. Neack assumes a unified policy or states that in his affidavit I joined the advisory council of NAT, as I have already said, in 1931. That is before the Maxis. "ad I was elected chairman of the Southeastern European Committee of the Reich Group Industry only in 1941 during the war. Sofore the outbrook of war, as I have already said, the Maxi authorities were comparetively little interested in Southeastern Europe.
- Q. Now, Dr. Ilgner, Mr. Nonck also contends that Mr. Nouhausen, the delegional leader of the party in Sorbie, was on very good terms with you. What do you have to say about that?
- Belgrado. That was his main job. It was in this capacity that in the interests of Ferben I had a few discussions with him. I may have seen Mr. Neuhausen half a dozen times at the most. There is no question of any personal relations.
- Q. You said that you become chairman of the Southeastern European Committee of the Reich Group Industry. Would you please tell us how

18 Mar 45-15-11-3-Poposia-von Schon. Court & Casa 6

this care about, thy did you become chairmen?

- in First I may porkups explain that this committee was an advisory body of industriclists who know senathing about the Southeast, that is, expirts on the Southeast. The initiative to make we the chairman sena from industrial circles. The reasons were not given to us expressly but they were evident. First of all forbut was the biggest experter to Southeastern Burope. I was alreedy vice-president of the Central European Recorded Diet, the only important body interested in premoting economic relationships with Southeastern Europe. I had for yours, 1931, been interested in Southeastern Europe. By position in Southeastern Europe and the estem is which I was held, were always considered good, especially on secount of my attitude in the question of industrialization. Led this board made to have industrial experts in the conditions marting for the OWA, correlated meeting during the mar. It was also our duty to establish context with the industrial sociation is those countries. Sungrary, Furnain, on general industrial questions. That is all.
- ideas on your economic policy. You mentioned that in the course of your settivity with Southerstern Surope you under some suggestions about covering the clearing debts. "In the the sense of these suggestions?
- that tire, even though I was rether young. I was of the old school.

 I had learned one always pays old dobts before making now contracts.

 Ctherwise the Corner economists negotiating from there would encounter justified distrust in these countries. I, therefore, detailed suggestions but they were considered "the unworthy selling out of "r. Ilgner" by the party circles and refused. I made suggestions that since there were ever six thousand fectories in Cornery closed down, it be suggested to the owners that they transfer their factories to Southeastern Burepe with the option of participating in the South and making their technical experience available. That is industrial cooperation in the best meaning

18 the A8-13-13-11-4-Housia-von Schon
Court & Case &

of the word. I the suggested to con

of the word. I then suggested to contract for some postume projects, to contract for postume deliveries. The southerstern countries, inserfer no they were interested in Gerren industry, in German standard enterprises, they should participate. I made the suggestion to my Farbon colleagues and Forten agreed, and a number of other things. It would be going too for to go into these technical things here.

Southerstorn countries, not the Germans, toward these endowers?

A. Vory positive. They realized the edvantege to their our countries.

the electing beloness, here may success with the outhorities?

honosity tried, but returnly since the party was stronger thay more largely unsuccessful for the various reasons mentioned. They were more and more criticized by the authorities and finally they were dropped, that is the committee. In this commettee I was forbidden to leave the country in my expecity as chairman and go to Southeastern Aurope.

A. Dr. Higher, at another point you have already given us your ideas about industrialization vary briefly. You suphasized that an increase in world trade volume was possible only by an increase in the purchasing power in the market countries, that is in this way to raise the standard of living that is to intensify seemeny, particularly in the agrarian and raw anterial countries. Fore these ideas of yours racegalized or acknowledged at that time?

development in many of the world markets before and during the war showed the trend toward industrialization and nationalization in the agrarian and raw material countries. I would like to say that nationalization is not to be confused with socialization but means the emphasis of the national interest. These trends were so strong that no one could

12 Ser 18-11.J-11-5-Foxato-von Schon Court 5 Ces. 6

stop than and it would have been senseless not to support than.

- 2. Norw you of the opinion that German industry, particularly Farkin, as to support this trands?
- ... Cortainly, and I found support for my ideas in all important circles of Ferban. The Central Suropean Peonomic Pist particularly h d adopted this idea. Natural development is always sound. Or maic divilopment in accountry on the basis of natural resources, raw interiels. power, figurated resources, consumors, those developments are sound in the long run. I shall give you only a few examples, only a single. example from one country, Purmain, we one had to consider the trend for nationalization in countries, one found in bu mais the majority in the Vorstand was Rumanian, the majority of the capital was Rumanian and the personnal was exclusively Ruranian. That was in our own interest in the long run. In general the actional partner, if he has agreeter interest, will always be willing to help the company much more than if he thinks foreigners are running it. The most important thing, and this is one of my basic principles, was management, men, not measures. The best people, aspecially for technical landership, para to be left to the superior industrial partner for a definite time agreed upon beforeacad.

- hat did your colleagues think of these ideas?
- I told you they were basically in favor of them. It was an old tradition in Farben, compared to the old industrial countries like the United States, England, France, Norway, Italy, etc., the new problem here was industrial cooperation with young countries where industrialization was just beginning. But here Farben, and I remind you of the Southeastern European Committee of Farben, took a very generous attitude.
- Q Now the Prosecution, for example on Peges 33 and 35 of the indictment, says that Farben exerted pressure in order to impair industrial development outside of Germany. How does that accord with your testimony?
- A That is probably one of the biggest mistakes which the Prosecution has made. I know of hardly any enterprise in the world which is so willing to cooperate in the international industrial field as I.G. Forben Industry and which so generously favored sensible industrialization in other countries.
- Or. Higher, it is important and it is of interest to know whether your personal ideas about these economic matters, your positive attitude towards industrialization, was also expressed by you in public speeches, and if so, when? Excuse me, please, only very briefly.
- That began in 1931, '32, but specifically after my big East Asia trip in 1935 in the Rotary Club in Berlin I made a speech to this effect, specifically treating East Asia; in 1936 in the Industry Club in Ruenos Aires particularly about South America; 1937 in Paris with the International Chamber of Commerce particularly about South America and general ideas; 1938 in Kiel in the Institute for World Economy, about general attitude on world industrialization, promotion of exports; 1938 for the German-Dutch Society, especially Dutch East Indies. 1940 in the Mad Assembly, as I said, in Vienna, about Southeast Europe; 1941 in the Military Academy in Berlin, general questions; 1942 in the Joss, that is the Hungarian Industrial Society in Budapest on Southeast Europe and Economy; in 1943 in the Rumanian Industrialists Society in Bucharest, again about Southeast Europe and specifically Rumania.

I gather that also during the wartimes you talked about industrialization. Were you in agreement with the measures undertaken by the Mational Socialist authorities in respect to industrial policy in the German occupied and allied countries?

. No, definitely not, especially not in Norway and Southeastern Europe. In a number of my speeches I gave some very definite criticism.

I now turn to the question of mustria which is under Count II of the indictment. I refer to the Trial Brief, page 76. The Prosecution says here in Part I of the Trial Brief and I quote, "Beginning with the invasion of mustria in March 1938, Farben made representations to the German authorities that it would take over the chemical industry of mustria and operate it within the scope of the Four Year Plan." The Prosecution refers here to Exhibit 1014, Book 51, English Page 1, German pages 1 and 2. Please commant on this.

.. That is entirely wrong, not "beginning with the invasion", and I quote the Prosecution's idea of the jubilent welcome in mustria at the occasion of the anschluss, but even before 1933 there were talks and offers by the Skoda-Netzler to Farbon by mediation of Nonmermielret Wilhelm Roth, who was a good friend of the General Director of the Skoda-Wetzler, Mr. Pollak, and since 1936 there were concrete negotiations. Second, it is not a question of Austrian industry. Skoda-Metzler represents perhaps 10 percent.

G Dr. Ilgner, chemical industry?

that this was the ontire mustries chamistry. It was barely 10 percent which was under discussion. Third, "within the scope of the Four Year Plan" the Prosecution quotes I need not go into this expression. The fact is that there was not a single Four Year Plan project contained, and the Four Year Plan had nothing to do with it. Besides, in the document quoted by the Prosecution exactly the opposite is said. In Prosecution's own document I quote Exhibit 1040. That is a different exhibit. "Beginning with the sales interest already existing in the

anilin Chemistry Ferbon has since one year in agreement with the Reich authorities taken the initiative for further unification. There are included both sales and production. In February 1938 after long negotiations with the Austrian partners, a plan was drafted and finished. That was before the Austrians.

In Part II of the Trial Brief, page 24, the Prosecution speaks very generally about the alleged logally camouflaged plunder and quotes in this connection a statement of the head of NIFO, Director Dr. Jost Terhaar, and I quote: "This government policy was well expressed by Terhaar, Director of Ferben. Such planned cartels, voluntary associations, were to incorporate all of European industry so that in this organization production and sale could be regulated under German leadership and according to German interests." I refer to Exhibit 1052, Book 57, English page 26, German page 24. Although the Prosecution uses the word "government policy" here, the impression may remain as if this involves Ferben's opinion. Just tell me what was the opinion of Ferben?

immediately preceding this quotation in the same document, the report of Dr. Terhaar about his conferences with various government agencies, then the state of affairs becomes clear. This sentence roads, and I quote: "The basic plan for organizing the Economic Group Chemical Industry is, as we could determine after inspecting the prepared draft, clearly the cartel principle." Not the opinion of Farben but of the Economic Group Chemical Industry. That is in the last analysis the government.

Q The Presecution also submits on page 25 of the Trial Brief that in order to get permission from the authorities to carry out the transaction Ferben had emphasized the question of aryanization in order to win the authorities over to the project. Is that true?

- A. Here the Prosecution is very much mistaken. Of course not even an enterprise like Ferben could completely ignore the official orders in the Jewish question. How this was done, however, is shown by the fact that the official party agencies four weeks later, that is at the teginning of May, 1938, that is five years after the seisure of power in Germany, still considered it necessary to put two commissars in all Farben sales organizations, etc. in Austria, that is in Vienna because of the negative attitude of Forben in the Jewish question and non-mosporation with the party in Austria.
- 1. Mr. Ilgner, I shall come back to this question of commissers later. The Prosecution relies on Exhibit 1040; this is a letter of Farbon by Mr. Haefliger to the office of the State Secretary Keppler. Do you see any connection here with the question just discussed?
- A. No. Not with the contention of the Prosecution. I find only two canadags in this latter which refer to Jaws, and I quoter "These negotiations as the result of the re-incorporation of Austria were interrupted for the time being first of all by the fact that the important persons participating in the negotiations on the Austrian question were not irvan." And the other pessage reads, and I quoter "The leading functionaries have, it is true, been replaced by tryens in the meantime." This shows only that the Austria, made things difficult for Farben or interrupted the negotiations. Nothing is said here about any activity of Farten in the Jawish question. Farben even bad actually nothing to do with this question; that was up to the Kreditanstalt which probably replaced the Jaws.
- Another subject; on hege 26 of the Triel Brief the Prosecution says that Parben long attempted in wain to get the majority in the Skoda Wetzler plants, and then it says, and I muster "Skoda Wetzler, as wellas their parent firm the Austrian Kreditanstelt, had flatly refused to give up their majority as long as they were able to present their coinion at

- all. That is, up to the 12th of March, 1938." Is that true?
 - A. That is absolutely incorrect.
- The Prosecution bases this assertion on four documents, Exhibits 1070, 1069, 1667 and 1068, all in Book 52. If the Tribunal so desires, I can give the English page numbers.

THE PRESIDENT: Yes.

- 7. 1070 is on English page 77; 1069 is on English page 54; 1067 is on English page 47; 1068 is on English page 51. We will discuss these documents briefly. Please give us your ominion first of all on Document Exhibit 1070.
- A. Exhibit 1070 is the so-called Austria report which was prepared at my request in the fall of 1938. It deals essentially with developments just before the Anschluss. The following sentence however, is to be found in this document, and I muste: "The negotiations going on since 1936 for acquisition of the majority of Skoda Wetzler are about to be concluded." That is exactly the opposite.
- G. What about the second document, Exhibit 1069? This is an effidevit of Dr. Frenke-Fahle, giving excerpts from the KA minutes.
- A. The case is similar with this document, Prosecution Exhibit 1069; I shall read an excerpt: "Mr. Weber Andreae reports about the measurus now under consideration in Austria, the basic principle of which is to establish a closer relationship between Ferben and Skoda Vetzler as well as between the Austrian part of Dynamit Nobel A. G. and Skoda Vetzler."

 This is an excerpt from the KA record of 10th September, 1937.
- Q. Plaese comment on the last two exhibits, 1067 and 1068. This is an effidavit of Mr. Johan and Mr. Rottenberg which was the subject of our cross examination in Vienna.
- A. I shall go into these exhibits only very briefly. There are too many inaccuracies in Mr. Johan's and in particular in Mr. Rottenberg's affidavits. Exhibit 1067, Johan, I shall muote only the following: "For us it was an axiom in such cases where we sought greater reserves to hold on to

our holdings." And Mr. Johan says at another point, and I quote: "For this reason since the year 1936 I had to deal with this enterprise as its general director." Against this effidavit of Mr. Johan from last year I shall muote from a document from the year 1936. This is a report of the Swiss national Moss, who up to about 1940 was director of the Antilinchemic in Vienna. On the 13th of May, 1936, he wrote the Control Finance Administration in Berlin as follows: "Mr. V a Heared, the concret director of the Kreditanstalt, has informed me that for the time being he is consulting no one in the Skode Wetzler business and is ready on principle to give it only one-half or even all of the stock in his possession." There Dr. Rottenberg says it is a Ferben organization, that is in plain language that in 1936 the Kreditanstalt represented by its general director stated that it was propered at that time to sall all its shares in Skode Wetzler to Farben.

- O. Dr. Higner, do you have any explanation for these inaccurrates and contradictions?
 - 1. You meen in the affidavits of Johan and Rottenberg?
 - Q. Yes.
- A. Yos, I have a certain understanding for that. The Skoda Wetzler is situated in Austria. Today Mr. Johan is public administrator of the Kraditanstalt Bankverein, and he wants to retain awnorship in the Kraditanstalt Bankverein, and he wants to retain awnorship in the Kraditanstalt for Austria which is his country. He is, therefore, forced in the interests of Austria to arove that the Sustrian Kraditanstalt in 1938 was acting under pressure. I have every symmethy with his considerations and I fill be glad to confirm to Mr. Johan that the fact of the Austrians and I fill be glad to confirm to Mr. Johan that the fact of the Austrians are such, affected the economic basis of Skoda Wetzler by removing the protective twriffs and made the position so poor that for a clover business man, and Mr. Johan was a very clover business man, the early solution was to sell immediately, to sell the whole thing, and he sold it very well. In this sonse one can say that Mr. Johan under the circumstances changed because of the Austriuss, decided to do what the

'ustrien Kraditenstalt was willing to do as carly as 1936 when there was not you a craditition to sell by the Austrian government, namely, to sall entire holdings of Skeda Metaler stock to Farbon.

THE PRESIDENT: Doss Counsel for the Presecution have specthing to

by subting documents or reports having come to him provided he in some may identifies the document, the contents of which he is reading into the record, and in any other way furnishes us coming of those documents.

The are totally at a loss to know what the document is without any identification.

THE PRESIDENT: The Prosecution is entitled to that information.

When the witness testifies concurring a document, he should of course identify it to the extent that the Prosecution can know what he is top-tifying about. Dr. Math, during the recess will you consult with Counsel for the Prosecution and see that the information that he requests is placed in the record when we reconvene?

DR. N TH: You, Your Beast.

THE PRESIDENT: The Tribunel will now rise until 1:30.

(. recess was token until 1330 hours, 18 Moren 1946)

FTERMOON SESSION

(The Tribunal reconvened at 1930 hours, 18 March 1948.)
THE MIPSRLE: The Tribunal is again in massion.

DE. FRIEILLA: (Attorney for the Defendant Jeenne)

Your Honor, I would be grateful if the defendant Jacobe, who is the next defendant to testify, would be excused for tomorrow too, because we are not quite ready yet.

THE FRESHDENT: Very well; that permission isgranted. May I wake one further amountement at this time. The Tribunal has this day entered a formal order designating and appointing Judge Johnson J. Crawford as a commissioner of this Tribunal to supervise the taking of the testimony of such witnesses as may be referred to him. This is an additional order to the one already outstanding relative to Mr. Mulroy.

The Tribunal has also approved the application of Dr. Fribilla. Grunnel for the defendant Lautenschlaeger, for the testimony of Dr. Julius Weber, and the matter of taking the testimony of Dr. Weber is now referred by the Tribunal to Judge Crawford as its Commissioner. We understand that it will be necessary to take this examination in Pagio, Switzerland, and the Tribunal has also, by memorandum, approved the Defense Counsel the may participate in that matter. We take it that that may be necessary in order to obtain clearances, but that no such order is required so far as Counsel for the Irosecution is concerned or administrative officers of the Tribunals.

You may proceed.

DIRECT STATE CONT

BY DR. NATH: (Attorney for the Desendant Ligher

Your Honor: I have complied with the sivile of the Tribunal in reference to the document about the Tribunal in quoting in detail where this document is to be found. In agreement

18 Ner 48-A-AJ-15-2-Sampson-Lea Court 5 Case 6

with the Prosecution I wish to state for the record that this is a document which is in my Document Book IX, and which will appear as Ilgner 147. It is a letter of Nr. Moss von Smiller; the Prosecution has been notified of this and is agreeable to this.

- Q. Dr. Ilgner, we stopped with the case Austria, and we were discussing four Prosecution exhibits; three of them have already been discussed by us, and I would like to ask you to comment about the fourth one. It's Exhibit 1056; this contains the affidevit of Mr. Rottenberg. Nould you please comment briefly upon this?
- A. The affidavit of Tr. Fottenberg contains basic errors. Mr. Sottenberg further more made a tactual mistake. He speaks of the first contract of the Skeds-Wetzler Works with Farben and says about that, and, I quote: "I. O. Ferben was at that time represented by Dr. Higher."

 I must say that during the period July and August, 1932 until the beginning of May, 1938, that is two months, after the Austrias, I never was in Austria. Rottenberg further more is repudiated in all decisive points by our documents.
- the ensembles conducted the most important negotiations in Vienna?
- A. Of the Seles Combins themicals, those were the gentlemen water Andrese, and above all Dr. Publ. and from my organization, my deputy, Dr. Krueger. Furthermore, the can designated by mm in 1936 at the request of Wilhelm Roth, a man by the name of Geomther Schiller, who was sent to Vienna, and immediately after the "machines, one time as me have already heard, Mr. Haefliger.
- Q. What did ir. Roth have to do with the transactions of the Skode-Wetzler works?
- A. Mr. Haefliger in the stand designated Fr. Fellak as the actual promoter. I always considered Herr Moth as the actual promoter, but I think we are both correct. Mr. Both and Mr. Follak were very

16 Mar 48-4-4J-15-3-Sampson-Lee Court 6 Case 6

closely connected, and Mr. Foth, the chief of the Aniline Chemistry, slreedy sold a part from the Parten products, many products of Okode Works for many years; also those of the Austrian Pynamit A. G. of Fransturg or of their Austrian works. I said Roth and Follek were friends. Follek was a good, I was told, a very good chemist, and because he was that, he wanted to use the chemical knowledge of Farben in the Pkoda works Wetzler. He manted to apply it there, and for that reason Mr. Follek for many years had wanted Farben to participate in a decisive decree in the Pkoda works wetzler. He literally told Mr. Roth and Mr. Schiller as follows: I would like to put my heritage, that the Stoda Wetzler, into the hands of I. G. Farben. Mr. Follek was, I think, almost 70 years old, at least he was between 60 and 70, and he intended to retire shortly. If I am correctly informed, these matters date back to the time before the merger of the I. G. Farben industries, and refer to the Shenical Industry Orieshaim Plektron which later ment into Farban.

The order to prove that the Kreditanstalt, before the Anschluss was not ready to sell their shares in the Skoda Wetsler works, the Prosecution introduces Exhibits 1060, 1061 and 1063; they are all of them in Book 52. This is correspondence between Mr. Pollak, of Dkoda Jetsler, Mr. Pottenberg of the Kreditanstalt, and Mr. Buhl of Farbes. This correspondence took place two months before the Anschluss. That can you say about this correspondence?

A. I got to see this correspondence in Surnberg for the first time. I do not find that it proves in any may the theory of the Prosecution. In Exhibit 1060, that is Prosecution Exhibit 1060, there is a letter of Mr. Pollak to Mr. Buhl, about which Mr. Pottenberg of the Graditanstell, who was then the chairman of the Board of Skode-Wetzler, was informed by Mr. Pollak, the general manager, and in this letter there is the following sentence directed or addressed to Farban, and I quote: "Furthermore, now before as, the firm intention exists to take the matter which has been treated orally by General Director Johan and

18 Mar 48-4-AJ-15-4-Sampson-Los Court 6 Case 6

by me and to perfect this matter in that somes. Unfortunately mithin a normal latter one cannot exactly explain bow highly all of us esteam your efforts, and how much we hope for the accomplishment of the project which is being worked on."

- i. Dr. Higher, do you know minther the Creditanstell shortly before the Anschlusz under a promibition to sell saything, a promition and by the Austrian Government, minther it was furnished to sell slaves in Austrian firms to German Pinne?
- A. You, Just during there Lat Ico months immodiately before the anschluss, to waich the deciments introduced by the resocution refer. But it was not a prohibition to soll altogother, it was morely a prohibition to sell the appring. Den shortly before the Auschluse the forsign political relations between ter and mustris deteriorated. The Austrian Government forred that the someinition of a majority of an Austrian firm on the part of a Reich German firm could serve as a protest for the Mari Government to interfere in Communic affairs of Austria. and it was only for that reeson and the Austrian Covernment at that this decreed a prohibition to the Gradita Mail against solling the rejority participation of the Skois- busior norths, but that was a general decree as that time which was which for the whole Austrian oconomy. I.C. Farbon and complete understanding for the minution and the movertheless prepared to carry out the transaction. The instrict Coverment just shortly before and approved the entire sale, namely, because the Ametrian Government itself the property to sell its out 12 pareont stores in the Shods forks former to I.G. Farbon also. This can be athered from Presection Decutors 1050. There it says, and I suote, "For resears which are beyond our control, it is not possible to abandon this point of view".
 - G. Dr. Higner, this is a cuotation from a letter of the Creditanstalt?
- A. This is a quotation from a letter of General Director Follok of the Skeds forks Tetaler with the approval of his obsimum, Hofrat Rottenberg, who this at the sale time number of the Board of the Creditanstalt, to a major of the Versiand, of Farbon, Mr. Buhl.
- Farben before the Anschluss?
 - A. Yes. The Crodita stalt was very much in favor of carrying out

the transaction, nevertheless, and this again can be gathered from to prosecution documents, 1061, and 1063. I quote only one sentence from each of the documents. The second sentence is the answer to the first scritence. The Mirst sentence is in a letter of Dr. Buhl of Farbon to General Director Pollak of Shoda "orks "ctslor deted 20 January 1930, and this is Exhibit 1061. Ind this reads as follows, I quote, "For reasons which I described to you during our last discussion in Vicina, it is extremely difficult for Farbon to abandon the plan providing that although the majority of the new concern may not be in the hands of Farbon, but through the neutr lization of a small amount of shores, it should at least be provented that the business management could be conducted against the 1 terests of Firben, be so that Farben cunnot be out voted." The second sentence From Prospection Exhibit 1063, this is the dreft of a letter of Dr. Polick to Mr. Buhl, which also was submitted to hir. Robienberg and which represents the answer of the Skode 'Jorks 'Jotaler or of the Crediterstalt to the above state onts of I.G., that is, of Dr. Buld. It ronds as follows, and I quote, "I have received your friendly conssages, and I have subsitted them to the gantlemen of the Creditanstill, and I have gained the impression from the discussions that it might very call be possible to discuss the cuestions mentioned by you and to come to agreement about them, since all of us are interested in .. loyal and agreeable, pleasant cooperation in the interest of our plants."

- and I quote, "We also have shown that as soon as Austria was subdued the Creditenstalt abandoned its resistance." What can you say about that?
- A. I did not participate in the negotiations immediately after the Anschluss, to be sure, but I know that through the climination of the customs barriers the economic inferests of the Skeda with Mitaler were very much endangered. It is beyond may doubt that Follak, who understandably was terrified by the Anschluss because he was a Jew, as well as Johan, now had the desire that Forben should undertake the clear leadership

interest of both sides.

- 9. Dr. Higner, the prospention claims that Farben exerted a pressure on the Creditenstalt, is that correct?
- A. One single fact clone shows that this assertion by the prosecution is completely untonable. Insedictely after the Anschluss a law for the protection of the Austrian industries against foreign infiltration has created. This is prosecution document, Exhibit 1058. This stopped the transaction. It would neve been easy for the Graditanstalt if it had manted to do so, to protect itself after the cover of this law. And the unpopular Farbon industry. I never point to the approval than. This can be gathered from the situation, beginning of May, 4th the consistents. But on the contrary, two applications here made. The Breditanstalt, that is, the Austrian firm made one to the Reich Forman authority which was computent for it. That was Prescention Edical 1040. This shows alverly that the Graditanstalt correcting rate an effort to get the approval.
- 9. Dr. Higher, but her the Prosecution says on page 27 of its
 trial brief that the Creditarstalt, despite intimidation and cause in
 the first few months, did find the courage to snow its true feelings,
 and it quotes Exhibit 1071, which you just montioned yourself. In other
 words, the application of the metrical Crediterstalt to the Austrian
 Limistry of Commerce and Transportation, that evidently is a contribution.
 "buld you alease comment on this
- A. The document, which is being discussed here and minch is already dated it days after the inschluse, proves to be sure, what the true feelings of the Graditanstall were, and I quote, "The conferences emcorning the transfer the share majority are conducted in the knowledge that this regulation needs the approval of the competent authorities and we ask hereby that the honorable ministry give us the approval for this.

 It, therefore, have been glad to cought with the suggestion of Farben that hir. Guenther Schiller is to be appointed a Vorstand number of the looker factory." Nothing is said here of intimidation and chaos.

00137 77 C-52 VI 15 Her 48-15-4-4-4-11-Spears (Lee)

1. Dr. Ilmor, the prosecution in order to support its claim also contions the affidavit of your colleague, Harfliger. This is built 1884, book 53 in which above is the following sentence. I quote, "But time was in favor of Dr. Ilmore. Mr. Harfliger already testified on the situess stand about this. It suffices if you warn briefly mention your point of view.

- dre all significant that we was istaken that I merely that to cannot a semi details to complete the proof, I. E. effiger was conserved as the to drew up a long affidivit without documents, but on the same subject he made a file note on a april 1938. This is a list been introduced by the impresention as Exhibit 1072, and while in the prosecution afficient of ir. I efficient my name is contained more than 50 times, and in the file memory which of 1939, it isn't mentioned at all, only in the distribution list, on the third allow but the last. I merely that do show that because it throws we certain it with on the matter.
- The fulfices, in ligher. The prosecution refers to the diffdavits of John and Mottenberg in order to show how these the lon felt and behave. Iter the inschluss during the negotiations in relargace to the Skod staler lorks. Please coment on this exhibit briefly.
- .. In. Nottenberg was not even there engages, and Johns, furing the cross of in tion in Vienna in February, stated that no pressure was exerted on the part of parben. Furtherwore, the conduct of Johns of that
 time can be clearly gathered from the Education.
- . . C), I come to the price. I refer to the effidivit of jobse section, which the prosecution has introduced, in order to prove the the price which the paid was too low, is the correct?
- by Mr. Redolf Fischer. He informed to on them later and I communicated by Mr. Redolf Fischer. He informed to on them later and I communicated following bout them. If r. John sign that he had no decimies of mence after the necklose, then that is rough too. Ar. John routed About later to detect full member of the Creditarstalt until Mar. Ar 1945, until the end of the mar, that is. Dr. Redolf Fischer, who is treedy been mentioned, conducted the negotiations in Vienna, in 1951, and the Credit notate, that is to say, with r. schem a the main member tor, told me the actor the serious conflict between MS authorities and a room had

been settled. ir. Johan struck a very tough torgain during the price negotiations, and .r. Johan at the time was the decisive negotiator. Ir. Johan, therefore, is in error in his affidavit of 1947. Then in the fall of 1955 the shares of Skods Torks ettler were so wired, from Dr. Fischer told as in Berlin, and I remainer this pretty exactly. Those were his tords: "Mell, there we really had to pry a high trice, such higher than we offered us years ago, then we could not arrive at a decision in Farben, but that is typical of Farben. We can't buy cheeply. It are too fine for that."

- before, then you just said before that because of the elimination of the customs frontiers the economic basis of the Skode Vetnier torks had deteriorated.
- respect. In Johan is an entremely the businessmen. He set vary quickly that Perben, was "Persons non grate" with the M3 sutherities. Furthermore, the last gainst infiltration by foreigners which I client monitioned
 gave him an opportunity to take cover behind it, and he had the opportunity to sell it a better price. We now turned the tables, and he had the opportletter of the Greditenstalt to the matrian limitary of Connerce and
 Transportation he states that through the reunion of matri, both hermany the enterprise had much better prospect for the future out this
 circumstance as to be considered in the evaluation of the stand.
 - Q. Or. Higher, how was this price limitly arrived st?
- and the ambiting chief in Farcen, Director Dencker, was twice in Vienna, in 1936 and in 1938, and at the request of all concerned, he undertook a detailed excaination at Skoda torks leteler. Thile he was in Vienna he was surprised by the anschluss. He later continued his work and on the basis of a very thorough exemination he arrived at a price of 150 percent.

- . The documents mention a trustee corresp. what result did they arrive at?
- not known to me. The Austrian trusteeship company which at the request of Mr. John, mes appointed after the insolless, arrived at a mental value of 200. Mr. Denoker at that the told the trusteeship company that its estimate as based on the high protective tariffs mevaluat before the insolluss and on the situation of the austrian Chamical Industry which we then designed as unsound by mr. Pollak. Mr. Denoker and me associates, the sudding experts of I.G., arrived at the result that 150 purcent has a proper and reasonable price.
 - 7. Now smor did I.G. actually pay?
 - A. 100 parcent. That is considerably more.
- Anachluss the leading men of the Skods etaler orks and of the Creditanathluss the leading men of the Skods etaler orks and of the Creditanathluss the leading men of the Skods etaler orks and of the Creditanathluss the leading men of the Skods etaler orks and of the Creditanathluss the leading men of the Skods etaler orks and of the Credittheir places. In this connection, the prosecution mentions a number of names, that is, Fellak, Acttenberg, Englaceder, and Johan. Pic.uc comment on this.
- These claims are partly incorrect, partly mislanding. The Creditanstell was no business of Farban, that is, Farban had no decasions to make wont what happened in the Creditanstell. Furthermore, ir.

 Johan remined a regular Vorstand member with all rights, until 1945.

 Is to ar. Follak, whom I unfortunitely never got to know, I altays heard that he had suffered a heart attack at the mement when he was to be arrested. This is very sad, but it is different from what is said in the decument efforce by the presecution. I know that are Schiller was a friend of ir. Pollak, and that he did everything he could for him. Inglandor, the colleague of Pollak, on 17 January 1939 that is, I most a year later, a peers in one of the documents introduced by the presecution, namely, Exhibit 1099, and he appears there as a General Director of the

18 March 45- -5 -17-4-Spears (Los) Court 6, 5 so 5

Skeds orks etaler, and of the Chemical Factory Lagemann, Scyool and Co., Victor. In other words, he could not have been dismissed in a distoly after the inschluss, but that also was a business for the Checkthastalt.

- The presention also claims that Ferban used connections to Nazi authorities in order to scaulre the shares of the Skoda letaler order. Is that correct?
- thing. It is different. The reason the Ferban looked for connections in Vienne has that, first of all, because of its pro-Jewish statute, it has been get into a very difficult saturation by the Perty authorities.
 - C. ould you please describe this difficult situation?
- n. I will be very brief, Or. Make, because I have alread; couched upon the Co. .. isser metter. In the beginning of May, two months efter the anscaluss, that is 1935, the Party, that is to say, the world Commissioner for Frivate Industry in Austria, sent two countries to Marben because of our attitude as to the Jewish ruestion. That was bod use te had done nothing in this matter and because of our non-copper whom with the Vienn renaiss. In 1937, on 22 September 1937, Firben had immended to form . He oc. puny by consolidating the old interestsof Firsen in wetrin and ab that time, that is, four years after the associates -purden is, ifter the seigure of power in Serminy - re his Gooded to menly hire too Jewish gentlemen for our firm. These were Prosi ent Philipp and Demaral Director Follok. That did not remain hidden be the Party. Such things are talked about, and r. "oth of wood I have repeatedly sinker, bur confidence man, has the ESII confidence in for five countries in South-E stern Suro e until the ansoldust, at all this was the reason for my personal intervention in the commiss ranger, in old assistant, Cunther Schiller, wheat I had sent to Vieum to ive . backing to .r. both, was very enti- in thout having the talent of being able to hime it. He therefore had very severe disputes. I has ordered, to do that with the support of ir. Mefliger for the chemical field, hr. Tugler for the dye stuff field and Settineru for my personal seistance. The atter as very serious then. Il limes of the Monsern, all sales combines, bout a dozen of them, were all under the control of Party commissars and that was a contagious disease. In the meich we had long

feered the commisser in Firben and we thought that such a thing would spread, and in this situation I asked of former employee, Dr. Montann Nauhacher, the , in the meantime had become keyor of Vienna, to intervene with the Meich Courissioner for Private Industry so that he mouldn't be too tough on us. That was the reason one I used the connections to br. Memberher and that was our, I muste, minfances stillude in the Jerich question.

- I make to the second Austrian subject, Deutsch-lebrei. The presecution claims that the grans-ction with the Cerbide works Deutsch-Matrei and the Austrian occapany Ormanit-Mobel is to be considered as plunder and spolistion. Did you participate in the negotiations in Bude-post in the summer of 1936, which led to this contract?
 - A. You mean the triportite agreement?
 - C. Yes.
- ... Yes, I perticipated in the conclusion of the participated contract of the 9th of July 1933 in Sudapost. I personally participated in it, and, together with Dr. Kersten, I signed it for I.G. Farben.
 - . Flo se tall us to whem the two companies under discussion balanced?
 - A. To the company Dynamit .. G. Bratislave 2005.
 - To them did the Dyn sit British we belong?
- the Pester Universian Bank, Budepest, to about 20 to 25%. Both together bout 7%. That is more than the established anjerity which, according to the statute, amounts to 66 2/3%.
- . For these two portners in greenent with respect to the Uningaction which to a to be corried out?
- Both parties were so such in agreement that they concluded a pool agreement and a friendship convention at that time.
 - . The took the initiative in the Eudipest negotiations?
 - ... The driving force was Erwin Philipp, the president and concret

Dynamic Statisham. We conducted the negotiations, together with Dr. Faul Smaller, the General Director of the D.S trainderf and Excellence Quelock teles of the Pest Hungarian Commercial Blank. These three men were the main negotiators. That is, the two main shareholders and the selling company.

- on affidavit. This is Dehibit 1104 in Book 55. he was Dr. M. per- epslin?
- A. Dr. M. th, Dr. Mayer- egelin had nothing to No mith . 11 thene negotiations, but I see I made a note how a which I might mention to amplement to my inswer. You had selved me who was the driving force and I winted to say scartiding about Ermin Philipp. I widn Phillip said at the tame, for the Dynamit . G Pressburg, that the climination of the customs frontiers between Garage and sustrie, orested a very difficult situation for the austrian A nes of the G Dom mit Pressburg and in order to re lin able to compare, I ree investigants would have to be made which he, horever, mus not willing to ouggest to the Verm littingerat of the Dymanit .5 Pressburg. I would like to my here that so still as I say, "Fressburg" in sometimes I say the tislaver. Britishay is the Shovak expression for Preseburg. It's the some thing. Therefore, he had decided to sell this techmicelly obschede firm. For Erwin Philipp there was a personal considerition, too. .. s sire dy mentioned, he was a Jew. Therefore, fter the raschiuss, he did not went to set foot on . ustrian soil ... mynere, ... ne a d complete understanding for that. and new 1 cant to say ance more that up rt from thene three main negoti tors, a number of other non writing bud, but the In elout them you asked me, the one the ande out the Willyit, he wan't there it all. He mes the leg I well berter of Dr. Buil for the legal Deportment Chemic is, but he had nothing to do with this transaction ad I never at him during it.
- That will be corrected then. Dr. Higner, what caused the Pest Hungarian Conservial Bank to agree to this transaction?

- trans other is considered by responsible and fair, it had a special interest in the professor of the considered that the professor of the prof
 - 3. Tr. Ilgar, did F roen koop its premises?
- that Tressuring is today the most actions charactal fratery in the of that Tressuring is today the most actions charactal fratery in the of the shares of Bratish Suring, including mastri, in toby the value of the shares of Bratish a test increased great to 1, but also the subsidiar comments of the third that the increased provide the formula terminative in Yugoslavia, Economy Bosni Jalou, in Jungary, the Jarah action to page in Economic, the living that a test in Economic transfer in the interest of the formula to page in Economic transfer.

The Prosecution says in the Trial Srief, part II, page 26, unfor point 23, and I quote:

"But to Enot that Farban hard again, in order to reach its good to good and used for its own ends a low outgrowth of Nazi idealogy in sevential the argument that the two corporations, if not now sold to Farban would be considered Jewish enterprises."

In this the Prospection refers to the efficient of Mr. Mayer-Magolin, than I manth one outpure, from the year 1947 in thich, among other things, the following words are used, and I quote:

"Difficulties of Jemish enterprise."

I saw you fid this consideration play one port in the whole trans-

" No. The claim which I should trouted in emother connection in reference to the Stock Noteller Norks, is objectively spenking, very superficirl and implicative. I merely give the following facts. On the Mung rien side, two Joss negotiat . With us, Execulency Fuelcop Tules and Excellency Chorin. On the side of the Dynamit A.G. Brytis-Lava, eacin two Jens negotiated with us or had a decisive part in the megatistions, Erwin Philipp and has colleague Fround. Erwin Phillips was rights seventy years old. Excellency Pucloop Laise une very friendly to Ferbon. He was also a friend of Paul Mueller and of me pers rally. The agreements which were concluded were Crifted and worked out mainly by these two gentlemen and they were signed in complete agreement with us. Ir. layer-legelin in his officevit, Prosecution Exhibit 110c, has said himself that the Jewish question was no organizat since it would have been easy for the Dynamit Pressourg to appoint a new president in its .ustrian subsidiary, Carbide Lorks Doutsch-Latrei, because this was an internal matter, but they fidn't even do it. Neither in Czechoslovekia nor in Hungary were there any German troops in the somer of 1938. It was peace. to negotiated with friendly partners in sovereign and free countries.

- The established the purchase price of four million marks and the suggested the type of payment?
- A Erwin Philipp, the president and general director of AG Dymenit Dratislave.
 - 3 Did the payment of the purchase price take place in one sun?
 - re 50.
 - Q tary mot?
- A The participation of the Caraide Works Deutsch-Estrel and of the mustrian Dynamit were accounted in Eratislave to twelve million crowns. That is 1.2 million Scichemarks. Any greater profit would have been taxed they to the extent of 65%. Erwin Philipp thought at the time that it would be senseless to give the state may unnecessary profit taxes. He said literally to just throw it into the plutches of the state. He therefore suggested a mothed as to her one exalt save taxes and proposed a breaking up of the purchase sum into one payment of 1.7 million Roichsmarks and an instalments payment for the rest of 2.25 million which, for tax considerations were to be dressed up as you'rly instalments.
 - Q Dr. Higner, who drefted and worked out this dreft of the contract?
- " The two decisive man of theselling company. That is, Erwin Failipp and Director Fround.
- Q Now, the Presecution says, in Part II of the Trial Brief on page 28 under Point 23 and I quote:

enterprises for an consideration at all. As the evidence shows, the enterprises had continually paid dividends at a certain rate. Under the contract Ferben was to go on paying the fixed amount of the usual dividend for 25 years, and, in turn, to receive the enterprise at once, giving nothing else in return. Economically this is the same situation as if one were to acquire a \$1,000 bend bearing 3% interest, maturing in 25 years, by just paying to the "seller", up to maturity, the 3% interest he would have received anyhow, and

Flunce comment on this.

in well, I'm sorry, but the Prosecution has made a very serious mistake in their thinking. An industrial enterprise is scaething completely different from a bond bearing fixed interest. In this respect the comparison is completely rislerding and is wrong. The profits of an industrial enterprise depend on many facts and they're often not certain. That's why the expression "industrial risk" has been coince. .b.ut the perticularly great industrial risks for the Austrian industries after the .anschluss - namely because of the alimination of the protective traiff I have already spoken about reportedly. But ly. Philipp he was both. He was a border and he was an industrialist and he know all this and he did not want to take this risk but he else did not went to invest any coney. That's why he sented to sell these plants to the nother communies. For the asjority charcholder, the DAG Troisdarf, this whole transection was an internal quastion of grouping since, at any rate, it had to medoraise and this, in any case, cost its own money.

Q D. y.u know whother the companies. before 1938, always paid divitants regularly?

* Ho. For example, as far as I remember, Deutsch-Entrei once was without dividends for four years at a stretch.

Q then and in what form did the administrative council (Verweltungsrat) of the selling company, that is the Dynamit ...G. Bratislava agree to the seles contract?

The Verseltungsret (theinistrative esuncil) of the A.G. Dynamit Bratislave approved this suggested price and this contract, to my recollection, in an administrative session of the Beard of Directors in the Fall of 1938, unanimously. That is a long time before the German invesion of Prague and long before the declaration of independence of Slovakia.

9553

- . Finally, Dr. Higner, please tell us briefly what was the atmosphere during the negotiations in Budspost?
- " we they would be during negotiations between good old friends.

 Very cordial and fair. We were repeatedly the private guests of

 Excellencies Weiss and Chorin and we sent very many pleasant hours
 together.
- G For the sake of completeness, I ask you, was any prossure exerted?
- "You understand, Dr. Math, I must answer your question that, after what I self previously, such a question must be designated as gratuague. Of course, pressure was not exerted in the locat. It was a completely friendly agreement between friendly partners whose interests were parallel.

- Filteness. On page 29 in Part 2 of the Trial Brist the Prosecution treats the sequisition of the plant sussig-Falkeness. That can you at about this transaction?
- a I rould like to give you a brief historical survey. The so-called Abssigar Verein was a Southeastern European industrial concern with factories in all Southerstorn countries - that is in Caschoslovelic in the Sudeten C. man area, as well as in the Green area, and in Slovable, in Togoslevia, in Mungary, in Munania. The majority of this e meann the controlled jointly by the Belgian concern Solvey which was friendly to Ferbon, and by the Caoch bank Zivnostenska Banka in Promise. It was close to all perticipants that the asjority shareholders of the Frager Veroin, namely the Zivnestenska Backs and the Bolgian o heirn Selvey , after the coding of the Succtonland to Commeny, on the ensis of purely business considerations, and considering the very stricts tension which then existed between Cacelle and Commens, had to come to the conclusion that the factories situated in the German grans which were now to fall to Germany and could not possibly be centrolled by a Cauch menagement in Prague, On the basis of this conclusion, the majority charcholders probably came to the conclusion to sell. That, in my spinish, was the situation before and efter lamich.
- 2 Do you know who conducted the negotiations with the majority shareholders? That is with the Zivnostonska Sanka?
 - " To my knowledge the Dresdoner Birds.
- I the told the Drustener Sank to do thet?
- A The Dresiener Scale had a majority interest in the Chemical Factory Heiden. It had the chairmanship in the Aufsichtsrat. I don't know the history of that so exactly but I know that at that time in agreement with Chemische Heiden and probably in agreement with the official authorities, the Dresdener Bank took up these negotiations it was Director Zinser and they did so because the chemical factory

Delice near Dresden felt itself very strongly offected because these in resource plants, wassig and Falkenou, which were only about forty militaiters every from Dresden, were now also within Reich German territory.

- is Forben also a fitteted by these metters?
- .. You, first of all by the fact that here there was a production of eyes. But probably some of my colleagues will have semething more to say about this.
 - " Thy were you called into this transaction?
- The competent for the Central Firence administration. Around the middle of Ostober I participated in the magnificant assentially to realize the purchase prior which was fixed later. It was a question of themselve and of finencial bedesigns and there was also a minor except in a let affected the sharmelders of the old Frague Verein she tore living in the Sudenten error. They manted to have the Ferben and acidem shares instead of the Prague Verein shares, and at the request of Sudenten Scramm secures a geneics Farben said they were proposed to offer an exchange to these people living in the Sudeten German mean. It was a small matter. Medden and Farbon exchanged not even one percent of the Prager Verein capital. It was nearly a courtesy.
- I Did you yourself participate in negativitions in which goatlemen of the Livnostenska Bunka and of the Proger Versin participated?
- How Tee, I recall two magnetistions. One of them in the building of the Eresdener Bank. That was the one which has been repeatedly mentioned, of Theorember. The other, the final session, was in the building of the Landerbank where I have by office, on 7 December. On the Creek side Excellency Preiss participated, he was the president of the Zivnostensky Banks. He was also chairman of the aufsichtsrat of the Frager Verein, chairman of the board, if I remember correctly. Then there was the director Dwarsock, who has testified here. Then the newly appointed General Director Baseb, and the later General Director Darbotor Hartinek. Busides that a lot of people from Farbon and from

the chicial fectory Heiden.

- ? Planes tell us very briefly that was the tone and the spirit of the negotistions.
- .. As is oustomery in large companies it was gentelanlike and fair and the manner was objective and polite. Excellency Press and Mr.

 Dyangerk was very objective and factual. Mr. Basch did not always near to be quite in agreement with the decisions of his two chiefs

 Press and Over ask, but these were internal matters of the Cacch group.
- 4 The Proscoution elvies that in the final magetistions there were seenes — is that correct?
- On that evening I left a little carly it had become very late my illness began at that time but since his war Schnitzler conducted the negotiations senathing like that sould be unthindeable for me. To be sure I must say that all participants were tired. But the Creek continues wented to have on the next of and they pressed for ampletion, and therefore the sension lasted so long. There can be no question of any pressure or restriction of povement. On the next wenting we drawn charging to drawn depoting the drawn continues to be not have been so bed.
- I The just spoke of a friendly spirit on the part of the president of the Zirno Bank, Expellency Preiss. We there a friendship agreement between the Preper Verein and Forbes after the carrying out of the sale of the aussig-Falkeene plant?
- The friends of prints. The point which interested me concerned the friendly emperation concerning the natural boutherstern participations. There were a whole lot of them. In Hungary there was the subsidiery of the Preger Verein, the Hungaria, and our flux was the Ipari Robano Vereige. In Humania the Prager Verein had the Present and our concern had the Nitramonia Print Societa and in Yugoslavia the Prager Verein had the Zorka and we had the Elektro Bosna Yajeo.

9557

- 2 Now Ir. Higner, did such a friendly exsperation come about later?
- remained and depocially as long as the Sirnesteaska Banka had the isolate part. Of course, as concerns, we were friendly competitors, but it was an intelligent and accommissibly reasonable cooperation. Dr. was Schmitzler and I, at the and of 1940, together sent to Pregue for this purpose, and we found a very friendly and experative attitude there. As were rivete guests of Excellency Proise in his own private spartcent, but in the process of this friendship agreement practical matters came up. Thus, for excepte, an industrial experation came about in Pressburg. There Perban, together with the M.G. Dynamit Problems built a new artificial fibro factory and this firm was called Themical Industry Pressurg. To implicate the Preser Verein for this purpose and the most enders thing in the criticial fibro field which this purpose and the most enders thing in the criticial fibro field which this purpose and the most enders thing in the criticial fibro field which 1.0. Aver passessed.
- * Finally, concluding this scater, Dr. Higner, places consent on the reproced of the Prescontian who designates this transaction as a clistian and lunder.
- .. Or. Noth, if this is plander and spolistion then all normal international business deals are solistion and plunder.
- DR. M.TH: Your Henors, I as at the and of one subject and I permit sysolf the suggestion that you might only a recess.

THE PRESIDENT: Very well.

THE LESS L: The Tribun Lis gain in session.

in First to an armidistrict on a go like in connection with you as in the following tentance, and I meeter

"Che July 1939 the ' Most Insort at Chemical Flants in Foldand', under the title of conference report a a property the defendant Indiana."

Do just not this reject of which the Prescoution submarted whose ca-

- If the VO I, former of thick note common only code properties. I have directly that the voil of the vo
- The one on the 18th of July 1838, a the Prosecution comboning did feet have no north on Fel and properties
- from Limit for six menths by them, but I have fisedworld this is not edition such as any often prepared.
- Is though of this subject. I not once to the number of Aussi. Or. Equal, His you have a strong to do with the Regular problems which have one we for discussion hard?
- ... With the execution of the personnel questions in the sound of 1941, I to the efficial contact with the Russin problems.
- three domaines, Invites 1165, 1270 of 2171, in book 63, a jung the the contents of these domaines, and I move, "become generally from in Strainty."

Cid you, Dr. Eigner, know these documents? Did you he r of their contents?

- by a residence there income then and I may represent of their contents but I by a residence through here and I must say I me stonished at the client-times of the Prosecution. I shall note only from Exhibit 1169, a few he times: "Top Secret," "Secret saich setter." That is secretain as the main's government, only for official use. In the same may the other two axhibits to secret official documents which, of course, have by secret as government.
- documents. -t you know the ones I is thinking of?
 - .. It we must then through and I can a year only the same of whom.
- . On the he of the trial brief the Prosecution cites Thibit
 1175 in Book 53. Did you know the report of the E stern Li ison office
 of 3 J av ry 19227
- I we sure I rescived it, because I is on the distribution list. Sucher I read it or not, I cannot a y today. I do not consider this of decisive injert now.
- To Dr. Ilmfor, to till lerve that up to the Tribund. On the late the concentration says, and I come:

 "For from objecting to these inhusen acthods, I.G. Forbon was interested only in securing for itself the re in the booty."

The Proceeding refers to the Verstand minutes of 10 July 1941,
Exhibit 1177, Book 68, English p.sc 47, Samer proce 42, state unto make
by you bout on ting in the seich display of accommics. Do you see my
connection there — and pie se convent.

- document spirits for itself. It discusses only personnel constitute and trustee functions.
- tioned before, which you said was the only official cont of which you had with the Bussin problem? Please describe them.

If he set the beginning of July 1961, shortly flor the outbrack of the reigh Thesis. The Chemistry Refer t of the Reich Linistry of Theorems welled emeting in the beilding of the acids distance of contains a sended by very legs number of chemical industry lists.

If room, Ester, Buttefisch, cores as I were present, a the minutes of the Youth to Exhibit 1277 show. I moste:

"Frincile this was a metter of the putting down of the names of seasonietes only up for service who mad been reaponsible for technical and the invertible functions and the muitable therefore for mephas the manifold in ustry in the former Seviet Union territory running." That was the presented question.

- . The did Tarben do?
- tended to tell Forcer general terms to report to the billion of the Dominat I Dominate the names of and endopses is very don't be interested and find some social does for the laussian language or Russia. Three days beforehood, on the 7th or July 1941 at a sail confurence at an office, lausdictably after the coding of the Russian language of Economies, I and discussed the same action of the Russian language of Economies, I and discussed the same action of the Russian in I will rranged that such a language or epipul for an office.
 - 4. # Wis list submitted to the gaining of Letnomics?
- I was compliced that these can on the list might be prought out from the front.
- oution without the suspicion of returning to private concreta. We this question of any significance at that the 3 was it scate?

18 March-A-FI-23-1-Schmab (Int. von Schon)
Court No. VI, Case VI

A.- No, it was not acute and it never became acute. In the Prosecution Document, Exhibit 1177, the Verstand minutes of 10 July, 1941, there is a very clear statement, and I quote: "The emmers of the chemical enterprises will be primarily the Reich, to whose account and at whose risk the enterprises will be operated."

9.- Dr. Ilgner, did you not comment on this subject in your affidavit of 10 April, 1947, in Marmberg? That is Exhibit 1209, Book 64, English page 38, German page 64.

A.- You, but I have to make some corrections. First of all, in my affidavit — that is to say, in the formulation of my affidavit — I said as I always did that I dealt only with personnal questions, and I add:

"I do not know, however, what the original aim of Farben was in participating in the Castern commandes, aside from suggesting personnel by order of the Government." But Mr. Mensson, the interrogator, was not satisfied with that and tried to get me to say semething further. He wanted me to make a hypothetical statement, and unfortunately I agreed, and this has to be striken now. I did that in a separate affidavit and I therefore need not go into it now.

try of Scoronics, did you report the order of the Ministry of Economics to draw up a charter for the Chemic Ost I.m.b.H. which was to be founded?

A.- Yes, those minutes are Prosecution Exhibit 1177, also in Book 65, and I quote: "Farbon received the assignment, together with Kali Works, the Dautsche Salvey Torks, and the Nitrogen Syndicate to draw up the charter for the Chemic Ost G.m.b.H."

Farben therefore did not attempt to obtain an interest, but carried out a Government assignment to work out a charter.

Q.- But the Prosecution says again, on page 17 of the trial brief, paragraph "C", that Farben attempted, and I quote, "... to send their people as Vorstant members into the Aufsichtsrat or the directorates of such

13 -arch-A-FI-33-S-Schmab (Int. von Schon)
Court No. VI, Casa VI

namenics." This refers to Emmibit 1563, Book 64, English page 18, Gor-

stands the whole situation. On the initiative and by order of the Reich illustry of Reconsides a trustocable company was formed, and industry was allowed to supply its services free of charge. That was no business transaction. That was an acciding attractive agency set up by the Povernment. As for the sending of Dr. "Illibeld Fassarge to the management of the Chamie last G.m.b.H., that again was a decision of the authorities. I shall read again from the Prosecution document, Exhibit 1177:

"At Dr. Digovittor's suggestion, Farbon suggests by. Willibeld Passarto as an outside non and representative of Dogussa, that is the Deutscho Told und Silber Scioldsenstalt, in Frenkfurt-on the-Main" as an edministivition. "Ferbon declares itself on principle willing to posist." That

Q. - The was Tr. Ungowitter?

A.- Dr. Unganistor was the head of the Economic Group Chamical Industry and also the Reich Deputy for the Chamical Industry. He book charge of Chamic Ost G.m.b.H.

The Chapter on Russia, the Prosecution deals with Prosecution Exhibit 1176, Took 63. These are minutes of a sail conference in Parties, Berlin N17, of 7 July, '41. I shall quote: "As early as on the seventh of July, 1941, that is less than three make after the attack on Russia, the defendant Ilgner ordered Dr. Bierliche to make suggestions for the reorganization of Russian enterprises under German management."

That do you have to say about that?

A.- First of all, this all belonged to the beginning of the chapter on Russia. The Prosecution by mistake deals with this matter twice; that is confusing. The same incident is discussed on page 16, at the bottom of

15 March-A-FL-23-3-Schmab (Int. von Schon)
Court No. VI, Case VI

the trial briof, Exhibit 1177, which I have already discussed at some length.

C.- Dr. Ilener, how do you explain the addition on prge 18 of the trial bring, the last pringraph of the chapter on Russia? I quote:

"According to the pattern of Aussig Palkensu....."

*.- The mail conference of NN-7 took place immediately after the conference in the Reich Ministry of Economies. During this mail conference I told my esseciates of the assignments which I had been given by the Ministry of Economies. Since the same Chemistry Department of the Ministry of Reconomies, at whose instigation this entire conference took place, was the same which the years before — that was in 1936 — had handled the Aussig-Palkonau matter, I would assume, at least it would have been very matural, if the Reich Ministry of Economies had made such a remark. I cannot, of course, recall those details today. I only know that this matter teams of unimportant because in the meantime we had been ordered to work out a charter. It is an unimportant opisode.

DR. WATH (Counsel for defendant Ilgner): Mr. President, I have yet to biscuss Morway, un or Count R. I have asked my colleague, Dr. Pachem, to halp me carry out the examination about Morway in my place. But first of the I should like to finish the questions that I have to ask Dr. Ilgner. Since we are now coming to Count 3, I would also like to discuss Count 5 very briefly and then my colleague Dr. Rachem will ask the questions about Morway.

THE PRESIDENT: Very well.

BY TR. NATH:

9.- hr. Ilgner, we now come to Count 3. First some questions about your general knowledge, Did you know that foreign workers were employed in Sermany?

A.- Of course. Toward the end of the war I myself had some foreign workmen in my administrative offices from time to time.

9564

ME March-A-FI-23-4-Schmab (Int. von Schon) Court Mo. VI, Case VI ".- To will come back to that. Please tell me if you know anything about compulsory Labor. ..- As a commercial man I had no cortest with the basic questions, and therefore I had no special knowledge. Besides, Dr. Hath, today, in 1948, after having been told so much in the interrogations for three years, it is difficult to say cometly what knowledge I had them and what I did not lave. Today we mil melec the mistake - and made it primarily in 1945 maior the monthl pressure of the collapse, of tidnking that things we had loarned only after the war from the interrogators date further back. Q .- ir. Ilgner, more you not interested in such things? A .- I have to emplois that, Dr. Wath. This applies guite generally. You were living in Germany yourself during those years. Therefore, you are able to judge conditions correctly. Everyone had planty of work and morrios, and was not able to take an interest in things which did not belong in one's our field. And meen, later, the terror air raids came, with all the misory and the severe trials for everyone, then it was simply more than the individual could do to take an interest in things no untter how significant which were not his responsibility they were. 0.- . Ilgnor, what did you know about labor in Furbon? A .- Of course, I mas informed that Farbon employed foreign workers. I, of course, assumed that Percen also employed prisoners-of-war. That concentration camp investes were employed, I did not hear. That was only because I was hardly ever at a factory during the war. I was travelling a great deal and besides I had no business with the production sites. Q .- Was the employment of concentration camp inserter discussed at Vorstand mostings? A .- 110. Q .- Dr. Ilgner, will you please gause after my question? Did you know how foreign workers came to Germany? JEU5

18 Harch-A-FL-23-5-Schmab (Int. von Schon) Court No. VI, Case VI

A.- You, I heard that the G.B. Chem, the Planipotentiary General for Special questions of the Chemical Industry, tried to obtain foreign markers, on a voluntary basis, for those plants in the chemical industry with which it was commuted — that included Farban. However, that was no reliable knowledge, Dr. Math.

18 Mar 48-A-AJ-24-1-Gaylord-von Schon Court & Case A Q. What did you know about the treatment of foreign workers in Farben? 4. I never had any doubt that they mere soll treated and I do not doubt this even today. In the interrogetions here in Murnbarg, I stated repeatedly that I would put my home in the fire for that, and I would do so today. Farban was the enterprise in Garagny which was loading in social welfare. That was a very old tradition in Farban. I should like to add a remark of a national economy nature. For example. as compared to steel and iron industry, Farbon with the same amount of capital, amployed only a touth of the number of workers. "e were intensive as to capital and extensive as to leber. This makes it obvious that social molfage metters were first-class in Farben. To had the greatest interest in treating all the burkers well because of the valuable apparetus, quite oride fr m any humano considerations. I recall hearing during the mar that Leura hed set up a number of different kitchens for the different nationalities. It impressed me that such a big plant was able to trust its foreign workers so humanaly and so cleverly from a psychological point of view. Q. Dr. Ilgger, you said in the beginning that you, yourself. toward the end of wer, at times had foreign workmen in your office. Can you tall the Tribunal about this so that the Tribunal will be able to see your attitude towards the workers with whom you came in contact? First of all, what were these workers used for? a. To build office huts and emergency homes for Na/7 for the evacuated plants at Bug and Mneden - and to repair book damage to the administrative building in Berlin. Q. Where did these workers come from and how did they come to you? Q. They were put at my disposal from time to time by individual Farben plants just like any German worker. They came by railroad quite free and independent. 9567

11

18 Mar 48-A-AJ-24-2-Gaylord-von Schon Court 6 Case 6 Q. Did you have any rules for the treatment of these foreign morkers given to you by the I. G. plants? A. No, not at all. These foreign workman lived just like the Garmen employee. They lived in the same tarracks where the Garmens lived and received the same food. They lived in the same rooms at the seme time as the Germans. Q. at your evacuated offices, did you have they other foreigners? a. Yes, I had three, and at the end, four French prisoners-ofwar, and about 30 to 40 Lithuanian refugees. Q. You say "refugees." where did these Lithuanians come from? 4. They hed fled from the Soviets. Q. ders the Frunch prisoners-of-war under guard? A. During the day they more completely free. One Frenchman was a couch man and he drove every day sight kilometers through the woods to the railroad and back with two horses. Sometimes they worked without any supervision in distant fields or by themselves. One Franchman, I have diready montioned him, Pierre Vernier, was a telephone operator and shacker temporarily. Q. where were the Lithuanians housed? A. Just like the German amployees: in emergency homes and rented farm houses. Q. Did your foreign workers participate in the social provisions just like the Germans? A. Yes. everything. "hey had exactly the some things together with the Garman amployees of Ma/7, and I mention these things here, Dr. Nath -- I would not have done so under normal circumstances, but since the prosecution have elleged so many horrible things, we have to tell what it was really like, end therefore please excuse me if I bring up minor matters here which otherwise wouldn't have been mentioned things which were a matter of course for decent people. "e had musical evenings where they perticipated together with the Germans. They 2568

18 Mar 48-A-AV-24-3-Gaylord-von Schon

cigerattes delly. For the French prisoners of mar, I had Christmas celebrations in my private home every year. I set up a little Lithuanian school for the Lithuanian children. The very small Lithuanian children want to a minister together with the German children and with my come smallest daughter, Ingevers. My elder daughter, Gudrun, was in charge of this kindergarten. My wife took care of the Lithuanian second. We had a Lithuanian boy of 16 whom I had working balf days with his fether as an electrician's apprentice. The other half of the day he received private instructions with my sen "runin-Bernhard. ...t the request of same friends of the old school of the Foreign Office, I had the former Lithuanian legation counsel. Tr. Macmitzke, take care of the Lithuanian refugios because the Lithuanian Legation had been dissolved by the Soviets, when the Soviets had conquered the country. I need not go into all these things. I believe we have enough documents about them.

- Q. Mr. Ilgner, one more prosecution document, whilst 1323.

 Book 68, English Fage 54, German Fage 58. This is a file note of NA/7 about a discussion which you had with Enlisterial Director Pr. Elehel on 2 June 1942 in Paris. The prosecution introduced this document apparently in order to show that you were informed about the compulsory employment of fereign labor. That do you have to say about that?
- A. This Socument says nothing about compulsory employment; on the contrary, it says that, "The French authorities in the so-called Sauckel drive had been promised..." and so forth. This shows very clearly that this was an agreement between the French authorities and the German government.
- Q. Dr. Ilgner, the sentence you have just quoted from Exhibit
 1323 continues at the point where you broke off, and I quote. "that
 the machines would remain with the French owners in France." Did that
 have anything to do with labor, and please comment on the question which
 has been brought up here?

i. No, this has nothing to do with labor committment, but that mas the reason for my talk with Mr. Mickel. This was part of my suggestions for doing away with the closning balances in southwest Durope. I explained this morning that I had suggested that in order to pay these classing balances, machinery should be sold from the approximately 6,000 factories in Germany which have been closed, and that the owner would have a double option on the one hand, he could participate in the factory; or if he wished, he could, after the mar, get the muchinery back. This was to be done only in cases where the labor and the raw materials were available in southeastern Europe. Ity idea, therefore, was: For goodnass' sales, don't bring workers from the countries here; leave them there; lat them work at home. "nd now in the Norsk-Hydro negotistions, my French friends of the Bunc de Paris, specifically ir. Moroou, said to me, 'Dr. Higner, wouldn't it be possible to employ some friends of mine, French engineers in Bumania who worked there earlier?" ... and since that was in accord with my idea of international cooperation for I mented to give the French an opportunity during the war to participate in the industrial development of Pumenia, therefore, I asked Ur. Michel, "are there ony industriclists in rance whose factories have been closed and the might be interested in going together with some Rummaion partners and opening a new factory in Bumania?" For I know that the French hed traditionally been very much interested in Rumenia. That is the context of this document which was presented.

Q. I believe that is enough on this point. I should like to discuss enother problem with you briefly. Dr. Ilgner, in the course of your examination you have repeatedly mentioned that affidevits given by you had to be corrected. Dr. Ilgner, how many affidavits did you prepare in Murnberg?

12 March-K-FI-25-1-Austinger (Int. von Schon)
Court No. VI, Case VI

- A .- I proposed nine, but with a few exceptions, I did not proposed them, but marely signed them.
 - Q .- How many have been submitted by the Pronceution?
 - A .- Eight.
 - G .- Did you have corrections to make in those cight affiderits?
- . A.- Yos, on eight of them. I have made cight supplementary affidevits for these affidavits, which will be submitted in one of my document tooks.
- Q.- Aside from these mine affidevits, did you make any other written statements?
 - A .- Yes, very meny, about 150, altogether.
- Q.- Before you came to Nurmberg, were you interregated erally and how often?
- A.- You, including Nurmberg, shout the same number of times as I have given written statements, so that in the three years that I have been in custody I have been interrogated 300 times orally and in writing.
- Q.- Do you have my especially important corrections to point out which you wish to make in those affidavits which have been introduced in Document Book 17?
- A.- Dr. Nath, that would take too much time and would probably burden the record unnecessarily. I have made written corrections and they will be introduced.

I should like to refer to only two things at this time. Everything that I said about the functions of my colleagues, especially my technical colleagues, is not exact knowledge and is very incomplete and inaccurate. I will have many things to correct. But this is the result if one is always asked about things of which one has no accurate knowledge.

The second thing is Document NI-67100, Exhibit 771, was introduced by the Prosecution with the heading, "Concerning the validity of statements

18 March-A-FI-25-2-Arminger (Int. von Schon)
Court Mr. VI, Case VI

made by him." I think that is not right. In my next efficient, Exhibit 377, the masks later, I spoke much more clearly on this same subject. That was my first official interrogation in Muraberg and on this occasion I indicated the mental and physical conditions and the mistreatment under which the Frankfurt statements were made in 1945, when I was in the Preignshoim penitentiary. Under those conditions in the penitentiary my colleague Georg von Schnitzlor and I suffered most. At my first official interrogation here in Nurmberg, I put that in the record, but it made no impression.

1.- Dr. Ilgner, do you have any other reasons for feeling obliged to make corrections in those affidavits, including the ones which you gave in Nurmberg?

Frankfurt statements. Consequently the inaccurate notes errors and hypotheses were, of course, taken over. Here in Numberg on various eccasions as I have pointed that out, that was repeatedly belittled and it was said that I had made the affidavit to the best of my knowledge and believe and I didn't have to tell any more than I know. But at the beginning of my interrogations here in Numberg, statements were made to be doubting the reliability of my future testimeny so that you can understand that I had inhibitions against making changes. Besides I had no documentary meterial and my memory had not been refreshed as it has been today. It is only now, after studying the files, that it has been possible for me to establish that is true and what is not true, and thus it became very evidently nocessary to correct wrong statements.

In conclusion, I should like to remark that half of my Nurnberg statements were presented to me for signature while I was sick in bed in the Nurnberg City Hospital. After I had given the last signature in the Nurnberg City Hospital I was taken back to the prison on the next day, although I was not yet cured, and on the next day the indictment was served on me,

Q .- Dr. Ilgner, were you told about the purpose of your statements and

18 March-A-F1-25-3-Armingor (Int. von Schon)
Court No. VI, Case VI

interrogations?

A.- No, nevor.

Q. - Were you told that they constituted the preliminary investigations and there would later be a trial against you?

A.- No, on the contrary. In Frankfurt, I,Nr. von Schnitzler, and other Farbon directors were repeatedly told "Don't think you will be indicted."

Another interrogator in Frankfurt said to me and I quote, "That you are writing here is not so important. We know that anyhow. That is important is that you acquire our sympathy. That will be important for you one day."

Q.- Was it brought to your attention that you had the right to rofuse to answer questions when you might incriminate yourself?

A.- I should like to add, Dr. Nath, the main reason why I never considered this possibility was that up to the last moment I never thought that such a Parben trial would be possible. On the contrary, I was not told and neither were my colleagues that I could refuse to testify. On the centrary, we were told, "If you keep snything back, then we can put you in jail for up-to 20 pears, that is if you forget anything." That is how those so-called voluntary statements were made.

Q.- Were the original documents that you were testifying about shown to you?

A.- In Frankfurt, with one exception, never, but my own notes and namuscripts were taken away from me in Nurnberg. I was sometimes shown documents, but mostly incomplete ones, excepts from them, and therefore my information was incomplete and sometimes misleading.

Q.- Dr. Ilgner, Count V, Conspiracy - this charge is still maintained by the Prosecution and, therefore, I must ask you a few questions about it. Since you have been a member of the Vorstand, did you have personal contact with all of your colleagues in the Vorstand?

A .- Unfortunately, that was not possible. I do not want to repeat

18 Jerch-E-FI-25-4-Arminger (Int. von Schon)
Court No. VI, Case VI

"itness stand. What has not been said is this: In the Verstand it was considered very undesirable to discuss political questions in Verstand meetings, but even in private offices, especially when I was with Coheim-rat Schmitz, we were afraid to say anything out loud. We put a pillow on the telephone and went ever into the corner because to were afraid of microphones. We were afraid of microphones even them.

0.- Which of your Verstand colleagues did you see frequently between the Verstand meetings?

A.- Prist of all my commercial colleagues in the Commercial Committee these Commercial Committee meetings were always connected with the Verstand meetings and therefore took place countly rarely. From time to time, I saw one or another colleague in commetion with some negotiations, but those were only individuals it happened sporadically. Hader these conditions, really close contact with my colleagues was, unfortunately, impossible for reasons of geographical distance alone. One's colleagues one saw only at the Verstand meetings, and then the gentlemen were often away on trips.

Q.- The this a general phonomene?

A.- Yos, actually this applied more or loss to all of my colleagues. Everyone had his own circle in which he lived and in which he worked.

9.- Dr. Ilgnor, there must have been some unifying factors in the Vorstand.

A.- Yes, there was. First of all, there was the history and tradition of the founder firms of Farben which were had in common, the scientific and industrial achievements and the great personalities who had created Farben, especially Duisberg and Bosch, that was our pride and that was must united us. When Bosch died, there was the war and everything had to step back because of the compulsion of war.

13 March-A-FI-25-5-Arminger (Int. von Schon)

n.- Dr. Ilgnor, in conclusion, I should like to ask you very directly, did you at any time in any form have a conspiracy with your collengues to plan, propere, and carry out a war of aggression with the simulteneous intention of benefiting yourselves of Parbon by plunder and spolication?

A.- Mo, never.

DR. MATH: Hr. Prosident, I should now like to turn over the questions on Morway to my colleague, Dr. Bachen. BY DR. BACKER (Attorney for the Defendant Ilgner):

Quotes in the Triel Brief, page 32, Part II, Exhibit 1191, book 65,

Loglish page 3 to 4, German page 3. This is a draft of a memorandum of

Farbun on peacetime planning for Normay of 8 May 1941, What, in your opi
mion, does this document have to do with the Hermy case under discussion
that is to say, Norsk Hydro and Nordisk-Lettmetall?

- Q Fundamentally just as little as Mr. Mayer-Yuester's report which Mr. Haefliger has already discussed from the vitness stand.
 - Q At whose suggestion was this memorandum drawn up?
- A By order of the Reich Ministry of Zoopomics, department preparation order, in connection with the so-called New Order of Europe.
- Q Can you please explain why you believe that this memorandum has nothing to do with the Norwegian transaction?
- A This memorandum, as Prosecution Document 1191 shows, was propered only after 29 September 1941 and was sent to the Ministry of Boonomics only then, if at all, which I don't know. That is after the entire
 transaction at issue had already been discussed in the various Styre board
 and Vorstand meetings and stockholder meetings had been decided on and was
 already in operation.
- Q The prosecution, on page 32 of the Trial Brief, gives in part a quotation from this memorandum. I quote: "The incorporation of Norway in the Continental European aconomic area under Germany's leader—ship." The prosecution then remarks that this was the main idea and was worked out in detail in this report. In that true?
- A No. that is not all true. Of course, in the formulation and wording of this memorandum, Farben bad to consider the directives set by the Ministry of Economics when the assignment was given, specifically the concept set by the Reich authorities, and I quote, "Continental European economic area directed by Cermany". Besides the sentence mentioned by the prosecution is torn from its context. The sentence begins in the memorandum with the words, and I quote, "It must be assumed that it will improve the German export situation that if," etc., and quote, and now there follows the passage quoted by the prosecution which deals with the one-sided tie-up of Norwegian trade with England. However, I should like to point out that the whole draft in its 16 pages has 12 pages devoted exclusively to suggestions in the field of trade policy, tax questions, questions of plant sites, etc., all matters of current business which Farben reported to the authorities even in peacetime just as a

natter of routine if requested by the Hinistry of Economics to report on proposed trade negotiations.

Q I believe we may now leave this memorandum which has nothing to the with the Morway transaction as such. To better understand the whole Morway transaction it seems necessary to me to ask a few questions which have nothing to do with your immediate field. I shall, however, ask only such questions as you can judge from your own knowledge or questions concerning which the prosecution has submitted documents.

A The background has been discussed here repeatedly so that I believe it will not be necessary to go into all the details now.

Q I should really like to a sk you since when and to what extent did Farben participate in Moral-Hydro?

A Since 1927 - I skip 1905 - since 1927 Farban again held 25 percent of Norsk-Hydro.

Q Since then had you known the leading men of Norsk-Hydro per-

A Then negotiations with Morsh-Hydro were resumed after the First World War in 1927, at which time I was an essistant of Geholmrat Schmitz.

I get the important men of Norsk-Hydro, Aubert, Erikson, and especially the president of Norsk-Hydro, the Swedish banker, Markus Wallenberg, Sr.

Q Did the gentlemen of Norsk-Nydro, before the Second World War supress to you any wish for technical support from Farben in other fields, apart from the nitrogen field?

A Yes, these requests come up noon after 1927. I myself, as far as I recall, heard of them at least three times, i.e. on my two winter sport trips in 1932 and 1934 with my family to northern Sweden. On the way back I was a guest of Norsk-Mydro both times, and for the third time in 1938, I spent two weeks as a guest of Morsk-Mydro in Notodden for winter sports. I know that their gentlemen, especially Mr. Aubert or Sir Thomas Fearnley, Bjoern, Erikson always said they wanted very much for Farben to give the technical assistance to exploit their water power for industrial purposes.

Q I shall ask no further questions on this subject since this phase has already been dealt with.

A I should like to add, Dr. Bachem, of course I passed these requests on to my technical colleagues, Geheimrat Bosch, Dr. ter Meer, Dr. Turster, who were all interested in such questions.

Q When did you personally become involved in the Norsk-Eydro transaction during the Second World War?

A As I recell, at the middle or the end of February, 1911 I myself became involved in the light metal project of Morsk-Hydro - Mordisk Lettmetall. I would like to call that the third phase of the negotiations during the war.

Q Can you please indicate and make understandable to us, in a very few words the three phases of those negotiations?

A Prof-moor Kreich and Mr. Haefliger and Dr. Buergin have already spoken about it. As I see it the phases were these: First phase, summer 140. Then the authorities in Normy were taking steps, especially Koppenberg who had been authorized by Goering. Farben had nothing to do with it at least Farben was not consulted. Hr. Koppenberg went directly to the Morsle-Hydro Company about certain projects. From this there developed the second phase, namely that ir. Aubert began to worry a bit. He was all alone up there with the German authorities, he went to Germany, and since he himself, mince 1927, had been in the Aufsichtsrat of Farben, he went to the chairman of the Aufsichtsret of Farben, Professor Krauch, and asked him for help from Farben, and Professor Krauch promised that Farben Would help him. At least he was willing to pass on the request to the men responsible who would investigate the conditions, and that was done. Then in the second phase there arose the project, Norsk-Hydro and Farben alone, 51-49, 51 percent and 49 percent. At the last moment, when the contracts Were ready to be signed, the Reich authorities intervened and said that is no good, we want to get in on this too. That was beyond the power of either Morsk-Hydro or Farben and neither of us was very enthusiastic about it. The Styre that is the Board of Norsk-Hydro decided to participate in the project for good reasons, which I shall come back to, and at about this time I became involved in the matter.

- Q And what was the material feason for your becoming involved?
- A I shall quote only one sentence from Prosecution Document Exhibit 1205, Ecolo 65, I quote: "After payment of the capital for the time being a loan of 22 to 25 million kronen is to be taken up in the Norwegian market." That was the material reason for my being involved in the Norsk-Hydro Nordisk Lettmetall project. I was called in by Geheimrat Schmitz.

- i. Combit 1205 in in Dock 5., English page 76. The Prosecution is on pages 32 and 33 of the Wall Brief that the final sin which, thus count at by the Maxi Covern sat, as well as by Parben, was now, there is a following: As soon to wister; was achieved, colonization of Portoying each of. That is you have to se to that?
- a. As for the contaction of the Prosecution, I believe that no one man that Mittler's plans here L. Direct after victory: I rather assure that a did not been that himself; that Perbon intended a colorivation of lower, I am only call processe.
- is Did Farban we in Miles we will be do with the over-old chaming for the explication of light old to we also in lower ?
- A. Here again I much makes the the Presecution some ent. Ho, wothing. In 1941 there was a make a led the made project was closed form. There was wide a how of cas'te and in the Aviation Habitary. At the the, the Role conferrable, became of the Rollars of planting in morney, for this creat an amine worker, they were looking for some states in for up, but Forom, at him the in the Vorstand minutes, and a very clear formulation. The a Prosecution Exhibit 1200. Its of this is in Look 65. The minutes are a R September, Mg. I quote: "For the over-til planting of the hight so I program in Scandarsvit, we, " that case Parton, "were not asked for advice for for our opinion".
- . I should like to some been to the description of develoment.

 Lande from your colleagues Disagin and Haerliger and yourself, were there
 are other leading Perben men involved?
- A. Yez, quite a me ber. I shall remain only the ones the had the seat to do with it from the various Sields of Farben. On the too'mical side ir, won der Der, Dr. Wochel both from the hitterfold plant. From My field, from My 7, it was Dr. Moresten was was involved in the important year of 1941.
 - . That position did Dr. Kereden have in H 79
- A. He was Forben Probatist, and one of the Isading non of the T. 7, socialcally the Central Physics Laministration.

- . You mid before that the store of Hordak Hydro decided to articipate in the macmesium, that is Hordisk Lettmetall. Can you very buildly tell se met the Store was?
- A. I believe I can take that quite clear. It is about emetty the and that that is call the Board of Directors in Aterion; it is not to be called different. It is a Board of Directors.
 - . The were the me bers of the mondak-flydro Stre?
- The President of to read the time on the Tunker, Durents
 This best of the Indicate had in Steemholm, a Sunde.
 The Peneral Director was arbeing he then belonged to the Styre. Then
 third Schickarvich, für The an Pennster, a builded Horneylan. He
 smed shippards and this a very by private can in Horney.

On the Freich alde Liare word Z. a here, Marses. Morena, the two Vice-Freshient of the Store, and Vice-Fre ident of L' Administration de La Dargie de Faris, and Mr. Commande, also of the Book de Paris.

of the forms and there are Colebert Scholes, and at the remost

- . Did you purse I was no the styre of Hurdel:-lighto?
- A. 53.
- to brdisk lett stall project?
- n. Yes, they all expect, I a ming the two French markets. It was turned out.
- . In unit way ald the brunch rechers of the stree of North Hydro get informed?
- At my suggestion, during my stay in Octo, in Petruary, or perhaps the beginning of three, I believe it has in February, 1961, the President of Nordsk Spare, Banker Fallenberg, undertook to do this personally.

 Chamberg has an old personal friend of this President, had been so since the foundation of Pordsk-Sydro in 1905. Mailtaberg had brought the Friedman into the business at that the . Nordsk-Hydro was an International

compact. Germany was at that him at mar with France, and Horney, - it is therefore a question of tack. It wishes was, - and I believe that I wish to it without exception during the war, - to act during var as immag perce time, and therefore, Ir. Tallenberg, in visw of his high introduced, standing, a budger of world renown, and in addition a few, a newtral, was except the lost anitable person. This quaranteed Asolute objectivity.

- . Did talle are naturally to through with his bring
- A. Yes, it was very difficult to get approved from the General authorities for a neutral to travel to secupied territory, but it was possible, the ald of some sen of Hording Pettinetall, who had connections with the aviation Hindstop.
- . Note the France Live of only in this one, that is, personally in the Milensons, or are they also informed directly by the administration of Hardshall drof
- i. Or. Section, during the nur, the Trenchien were informed just as they and been in percentip. It was an old rule with Morent-Sydre but every member of the Styre, before every Segre meeting, so many modes before, I don't know how may no be just a dession, a file, we many need the meetings in peacetice, as far as I know, were in writing, and when in February, 1941, I was in Oslo, General Director Dr. Aubert, asked as to be while imparts to take the dessions for the French, Moreau, Vibratio, Schmitz at Oster along. The board was a striketed in Oslo, Firis, Berlin. I had so, and later on man to more even asked, I don't know whether they were wired of constraints, at a my rate, we noted as a post office, and established contact between with, Formy, etc., in my office. At any rate that was a more reliable way.
-). I should not like to on a back to ir. Malkomberg's trip. 'Ason did As Lemborg to to Farie? -
- in. If I remaker correctly, he must together, in the first will of March, 1941, If I say, to, I can the President of Mordek-Mydro, the banker, Mallenberg, the General Director Advokate Bjarke Brikeen, Dr.

3.137 VI 0.53 VI 12 ... v 40-27-4-4-25-Stemart (von Schon)

Moraton of Control Finance Administration, and I.

- . Bid the Franch Styre numbers know that the money to be obtained in equital investment of Nordak-Rydro was intended to finance the one-
- A. You, they know that you woll, both through the official documents of the administration of Nordal-Mydro and also, above all, they were informed orally by old Mr. Tallemberg, and the attorney Sjarke Erickson, who went to a cak to the French on Logother.

DR. S.C.E.: Hould this be a good time, Mr. President, to bronk off?
T.E FRESIDET: The Tributal with rise until 9 temporal serving.

(Tributal in recess until 0000 hours 20 harch, 15%).)

CERTIFICATE OF COLLISSIONER

I, JAMES G. HULROY, AGO #3-197399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of mitnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates mercinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

Date	Hame of Witness	Official Transcript
19 December, 19h7 15 December, 19h7 15 December, 19h7 17 December, 19h7 17 December, 19h7 9 January, 19h8 9 January, 19h8 17 January, 19h8 17 January, 19h8 17 January, 19h8 7 February, 19h8 7 February, 19h8 26 February, 19h8 27-28 February, 19h8 16 March, 19h8 16-17 March, 19h8 17 March, 19h8 18 March, 19h8	Paul H. Haeni Karl Wolff Gustav Schlotterer Kurt Krugger Adolf Hoehle Willi Dagne Karl Amend Alfred Zaun Perry Broad Josef Jonan Franz Hottenberg Hoack Treister Hene Balandier Fritz Goernert Gerhard Ritter Heinrich Van Beek Dr. Charles Bendel	4577-4595 4596-4657 "" 4692-4710 4946-5024 """ 5470-5512 """ 6826-6881 6957-6979 7696-7732 7925-7963 9288-9305 9305-9358 9359-9376 9584-96166

I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Nurmberg, Germany, Jarch 31, 1948.

JAMES G. MILBOY

mulssioner of Tribunal No. 6

18 March-U-JP-1-2-1-Tills (Int. Sects)
Court VI Commission

Official in ascript of borin before a Commissioner for ilitery tribunal VI, Case VI, in the mitters of the United Status of merice against Kerl Travel, at al, defendants, sitting at Juraberg, Barmany, on 13 Serch 1968, Commissioner Jenus G. Julroy, presiding.

THE 'ARTHAL: The Commission for Tribunal VI is not in session.
There will be order in the Commission.

TO CONTISSIONER: The Consissioner has called this menting for the purpose of hearing testimony on cross-examination, direct and redirect, of Dr. Tendel, who is now available to testify. The hearing was scheduled to take also at 0930 and it is now 0953. The dulay is caused by the absence of defense counsel representing — which defendant is it Dr. Noffmann?

DR. H.FF A 51: The defendant home

of these expainations is to efford to define course, an opportunity to cross-expains, I intend to ricess this hearing until helf past ten so that an iffort may be used to locate Dr. Turnet and so that the interests of the defindant fann may be taken eare of. I will ask Dr. Uncilor -- you have notified Dr. Bornet, here you? You have notified Dr. Bornet to be here?

DR. MUELEUR: Ton, your Henor.

T'E 30 178STOURE: Than did you give him the notice?

DR. MELLER: The defense of Case VI was notified on Tuesday, the sixteenth, with regard to the cross-constinution to take place today.

TE CETISSE ER: To vio. of the Cromstances I am going to recess this meting until belf post as and will ask ir. Bueller to take such steps as may be necessary to locate Dr. Perndt and have him here at that time. To milk now be in recess until ten thirty.

18 Mar 48-M-13-5-1-P. Stagart-Sachs Court & Gesa & Commission

THE MIRRILL: The Commission is ngoin in session.

THE COM ISSICHER: Nr. Marshal, will you report as to the presence of any defendants?

THE NIFERAL: May it please Your Henor, none of the defendents are present in the courtroom.

THE COME INSTORMER: Pr. Musiliar, as I understand it, you have notified all of defense counsel as to this hearing, and they have all had an epportunity to be present?

THE CONSTISSIONER: No. The presence of the defendants was not needed.

THE CONSTISSIONER: No. the defendants are not needed. This examination is held under the provisions of an order of Tritumal No. VI. deted Discrete 8, 1987, designating cortain efficients for cross examination before a Commissioner. These witnesses are witnesses for the Presecution. I will therefore call upon the Presecution if there is anything to be said before to begin the setual examination of the witnesses. Her the defense, has any number of the defense, anything to present to the Commission before the petual examination commences?

the EEROT: Mr. Perndt. Mr. Commissioner, I apologize for having bush late. As far as I remembered, the moeting was fixed for 19:30, not for 9:30. That is the explanation for my tardiness, and I apologica.

you anything to say further before the exemination of the witness commences?

DR. BERTOT: No. Mr. Commissioner.

THE COMMISSIONER: The witness will be brought in. Mr. Prosecutor, this man is Dr. Charles Bendel, is that correct?

TR. MINSKOFF: That is right.

THE COMMISSIONER: "nd he is French?

MR. MINSKOFF: He is a brench national.

THE COMMISSIONER: He is a citizen of France?

18 Mar 48-11-47-5-2-P. Statert-Sachs Court 4 Veso 6 Commission

LR. MINSKOFF: I believe so.

THE COLLISSIONEP: Very woll. will the Marshal planse edjust the earthouse for this witness?

THE MIRSHIL: May it places Your Honor, the interpreter does not wish the sarphones. He understands both Anglish and Gorman.

THE COMMISSIONER: Vory well.

CELFICS RENDEL, a mitness, took the stand and testified as

THE COMMISSIONER: The mitness will remain standing for the purpose of being sworm and will reise his right hand. Say "I" -- state your name --

THE ITHESS: Charles Bordel.

THE COMMESSIONER: "nd paper of for no -- "sweet to speak without hate or fare, to say the truth, all the truth, only the truth."

(The witness repected the onth.)

THE COMPLESSIONER: Soy, "I amount." The primess will be sected.

which the interpreter will please transmit, and I will give them in sections so that the interpretation may be more easily handled. Floose understand that you are perfectly free to testify fully and freely in response to any questions that are asked you. However, it is the desire of the Tribunal that you make your answers brief and direct and avoid any unnecessary beamont. Sofore you, there are two signal lights which are connected with the sound system. It is necessary that there be a slight pause between questions and ensure, so that the English translation may be unde. The yellow-light, when it is flashed, is an indication that you are going too rapidly and it is a request that you slow down. The rad light is a step signal, and when it is flashed you will step completely and not resume your answers until you are notified.

THE COMMISSIONER: Mr. Prosecutor, you now have the witness with you.

18 Mar 18-16-17-5-3-F. Stemert-Socks Court 6 Gass 6 Commission IR. MINESOFF: Thank you, sir. DIRECT ELECTION BY US. MINEKOFF: 1. Dr. Bondel, will you state for the record your name and present address? A. Charles Sigismund Bondel. Q. and address? 2. 29 Boulevard Fastour, in Paris. Q. Pr. Bandal, with respect to Presecution document NI 11953. which is Prosposition -chibit 1811, do you have any corrections or additions you wish to make at the present time? A. Yes. I have two changes to make and two corrections. Q. Will you please indicate thosa? a. I have the German copy before to, that is Page 2. In the middle of Pego 2, the new of the corp Punchenovite and Mautheusen are misspelled. - Q. and the other change? .. On the third page, in the middle of the page, there is a question. I mill rood now the question in German. IR INSKOFF: It is not coming through in the Paglish. DITERRATER SACRS: I am sorry, I thought the interpreter was going to do the question as well. would you plotse repeat the question? ... (Contid) "Did you over man the Prussle soid gas which was used? A. I have seen the came. I also dissected some of the corpses of people who were graned". -- This is a mistake in translation, since I nover said that I dissected any corpora. This was done by a special detail of doctors in the concentration comp ergenterium. What I wented to say is that I saw the coupty containers after the gassing had taken place. Besides, what I said can be soon from the following question. Q. Are there any further corrections or additions? A. No, I have none. 9587

- Q. Dr. Bandel, you were the doctor in this senderkommende in wischmitz-Birkengu?
- A. I was one of the three doctors who were attached to this sandarkormando.

18 Mar 48-44-AJ-5-4-P. Stewart-Secus

- C. Dr. Bondel, you were the doctor in this sonderkownends in muschwitz-Sirkeneu?
- A. I was one of the three doctors who were attached to this sonderkommado.

- Q And were you the only surviving member of the doctors?
- A Yes, unfortunately.
- Q Dr. Bondel, you mentioned in your examination that you were also in Monowitz?
 - " Yes, I arrived the 10th of December at Monowitz.
- Q Could you describe for the Court, Dr. Bendel, the comparison of the living conditions of the inmates as between Monowitz and Auschwitz-Birkenau where you were subsequently?
- a I can only make a comparison as to the conditions three weeks after I had arrived in Auschaftz.
- Q Will you do so?
- At Auschwitz I lived in Block No. 25. This was the dispensary, there were thirty physicians in it. They were a kind of reserve, they were always ready to be sent to the different sections of the camp.

DR. HOFFMANN: Dr. Hoffmann. Your Honor, I did not know that the Prosecution was going to put these questions which go beyond the affidavit. I have no objection against this sort of questioning, but at the risk of making even more claims on the time of the Commissioner, I would suggest that in view of the importance of the subject, the other defense crutael who did not know of these questions should be informed, particularly Dr. Suidl for the defendant succrefuld, because they may be interested in being present at this cross examination.

THE COLLISSIONER: Dr. Hoffmann, your comment is addressed to any edditional facts which are brought up in this direct examination, is that correct?

DR. HOFFMANN: Yos, Mr. Commissioner. There certainly are some additional facts which are not contained in the affidavit. I think the Prosecution agrees with my point of view.

THE COMMISSIONER: What do you think of that, Mr. Minskoff?

MR. MINSKOFF: What Dr. Hoffmann says is perfectly correct. The

question that I just addressed to the witness goes beyond the interrogation which is now in evidence. I had intended just two questions. If

Commissioner will recall, in the examination arranged before the Commission of Dr. Goerner, Dr. Boettcher on his direct examination of his own witness taked a number of questions which were not contained in the affidavit of the witness and went for beyond its scope. The Prosecution interposed no objection to those questions being answered. I just have about two questions on direct with this witness.

THE COLLISSIONER: You may possibly bring up a question of whother or not the defense has been properly apprised of the scope of the direct exemination. Now, I know that in a recent comment of the Tribunel, it was said that the position of the Tribunel is this: when a question is so general in its character that the Tribunel itself cannot determine when it has been answered, then it is objectionable. Of course, that does not apply to your question here, because what you are doing is simply adding to the affidavit.

IR. LINSMOFF: I have asked specifically for a comparison in living conditions at Monowitz and those at the other concentration comp Auschwitz-Birkenau. Now, with respect - may I just say this?

THE COLLISSIONER: Yes.

MR. MINSKOFF: With respect to Dr. Hoffmann's suggestion that Dr. Seidl be hard, I think that is a very good suggestion, since Dr. Seidl is interested in any testimony concerning Monowitz.

THE CONTESTORE: Well, in order not to mast time, we could do this: we could proceed, we could go on, and you may repeat your questions after Dr. Seidl errives.

MR. MINSKOFF: Well, I will be perfectly willing to go on with the next two questions that I had which do not concern Dr. Soidl particularly, and he could be called down in the meantime, if he wishes to be here, then I can go shead with the cross examination.

THE COLLISSIONER: Then make a memorandum of those questions.

MR. MINSKOFF: Just one question. I will withdraw that for the moment until Dr. Seidl can arrive, and I will proceed with the other question and then offer him for cross examination, reserving the right to ask

him this one question when Dr. Soidl appears.

THE COLLISSIONER: I think that will dispose of it.

Q Dr. Bendel, from your experience in Auschwitz-Birkenau, can you tell the Tribunel of the extent to which it was commonly known, perticularly in the area of Auschmitz, that there were large-scale gassings of human beings?

I am convinced, in the first place, that there was no single displaced person who was in the camp of Auschwitz and Birkoneu who could doubt the destiny which was meent for him. In the second place, this was also known to the poonle who lived in Auschwitz and who were not displaced persons or internecs but who were in direct and personal contact with the displaced persons and she had connections, for instance, black mirket connections with them, in priticular, in respect to the gold and in respect to the clothing of the thousands of people who passed through the gas chambers. As far as the SS is concorned, it is quite cortain that sport from the SS who worked in the cromatorium bundreds of 35 men who were in the camp of Auschwitz-Birkensu know very well, and their femilies who lived with thom just as well that every day thousands of people were gassed in the gas an opers. I will give an example. One day I was in the crematorics in. A. The chief of the creatorium, Unterscharfushrer Schole tele - that there would be a lady visitor this day. In fact, about 3 old isk in the afternoon semebody arrived in the crematerium. This was a party, and there was a lady with them. I got to know her later on as the mife of Schulz. The transport had not yet arrived and the lady wanted the people to have tes at the cram torium. Unfortunately, the transport came in the meantime. This was a transport of about a thousand people, men, women and children. As was the custom, all the people had to undress in the garden, and then they were pushed into the big room which during wintertime was used for the undressing.

18 March-M-EK-7-1-Bushnell (Int. Sachs, Kitalich)
Court VI, Cose 6, COLLISSION

Then the doors of the cremetorium were locked and those thousand people were locked up in the room where they had undressed, and there they had to writ for about ten minutes until the car of the Red Cross ceme bringing the gas containers. Then the order was given to open the doors of the undressing room and people were beaten up. Then they were pushed into the gas chamber. They understood now that they ware cought in a trap and they could never get out again. There was pushing and some tried to get out again. Right in front of that young lady, who looked on with wondering eyes, on SS mon with a stick ameshed the honds of the women and children who didn't went to enter the gas chamber. After some time, everybody was in the chember. The doors more locked. For about two minutes' one heard screening and shouting and people kneeking against the walls. This was no longer something human to hear. Then there was deedly silence. Twenty minutes later the doors were reopened. Just like a estaract, the bodies fell out from the ges chamber. The women just held their children against them, and we had a lot of trouble getting their arms away from the children. He she has once seen a gas chamber full of dead bedis will never forget it during all his life.

- Q Dr. whore was Mrs. Somula during this operation?
- which is the pur chamber.
 - Q Sti no ... as the operation itself?
- .. The SS and even showed much more zeal in doing their duty in front of her.
 - Q She was a civilian woman?
 - " Yes, she was a civilian, and the wife of Mr. Schulz.
 - Q Where did she live?
 - A She lived in Auschmitz.
- Q In the city of Auschwitz, is that right?
- " Yes, I was myself in their house.

LE. LINGKOFF; Thank you, no further questions, except that the Prosecution reserves its right in connection with - well, Dr. Seidl is here now. Shall I put the question to him?

THE DOM ISSIONER: You may as well do it now. Make one operation. BY MR. LINSKOFF:

Q Dr. Bendel, I should like to repeat the question which I asked corlier. I neked whether you could make a comparison between the living conditions, generally - housing, food, etc., between Monowitz and Auschwitz-Birkennu, both of which places you testified you were present at?

- * I have something to odd to what I said already, if I am allowed to do so.
- Q With respect to the question I just put, or the previous questions?
 - A 14th respect to the question, yes.
- Q The present question?
- a Yes.
- Q Please make a complete answer. Ignord what you said before. I want Dr. Seidl to hear the complete answer.
- January in Auschwitz, that is, in 1944. I was housed in the dispensary, Block 28. We were about thirty doctors, physicians who were a
 kind of reserve if the necessity arose to send some doctor to another
 camp. When I arrived at Auschwitz after my three weeks as a worker
 in Bune-Manowitz, I was really pleased to be in the Auschwitz camp.
 During the two months that I was in camp Auschwitz, I had the
 impression that the Auschwitz camp, in a certain respect, was a
 pleasure camp, as compared with the really heavy and exhausting work
 which I had to do during the three weeks in Buna-Monemitz. I will
 give you an example why. This is a personal experience I had. Two
 hundred men arrived during my time at Buna-Monewitz. We were all
 selected for our stature and our health, and nevertheless, from the

first day, as far as I know, twenty of my comrades reported sick to the dispensary. The reasons were various. It was December and terribly cold, so cold that some days we had 17° contigrade below zero, and the working details could no longer work, not longer, at loast, than half a day. To protect ourselves against the cold, we had only very poor clothing. Half of the people had not even a shirt on. I would like to underline the fact that according to my knowledge, there were only a very few deportees in Sunc-Monowitz who had the right to work under a roof. We all worked outside --

DR. SEIDL: Dr. Soidl -

THE COMMISSIONER: Upon do you represent, Dr. Seidl, for the record?

DR. SEIDL: Welter Duerrfeld.

THE COLLESSIONER: Vory well, proceed.

Des. SIDL: Mr. Commissioner, it is not that I want to interrupt the testimeny of the witness, but I would like to point out the following: the witness who is now in the witness box was not asked by me on cross-exemination for Dr. Duorrfeld, but apparently for some other defendant. In addition, he was not asked in order to make some statements about working conditions in Comp IV of the Auschmitz camp of I.C. In fact, his effidevit does not contain enything about the working and living conditions of Camp IV of auscientz I.G. That was why I didn't apply for the defendant, Dr. Duerrfold, to be present at this session. Thurefore, I object to the continuation of the testimony on this particular point. I would like to reserve the right for myself to have the testimony, as far as it refers to the working and living conditions of Gemp IV, struck off the record. I would like to add hore that the Prosecution case has been rested for some time and that the Defense is now presenting its ease. If the proceedings are continued in this way, we sh'll have no possibility of safeguarding the interests of our defendants at ell.

THE COLLISSIONER: Dr. Scidl, you are objecting to the question, to the Frosceutor's oucstion? You are making a motion to strike the answer, is that correct?

DR. SEIDL: Your Honor, I object to the centinuation of the interrogation and I reserve the right to apply the interrogation of the Prosecution to be struck from the record. Apparently, the case is that the witness has been asked for by some other defendant for cross-exemination but what is being carried out here is not cross-examination, but an interrogation on completely new points. In my opinion this is not admissible, since the Prosecution has already rested its case.

THE COLLISSIONER: Of course you know, Dr. Seidl, that this is a Prosecution witness. It is one of the last of that long list which were to be examined before a Commissioner, and they had not been presented to the Tribunal at the close of the Prosecution's case.

Porhaps with that explanation you will not raise the objection that the Prosecution's case was closed?

THE COMMISSIONER: The record will show your objection and motion to strike, Dr. Soidl. Now, Er. Minskoff, in following this life of inquiry, you are no doubt neare that upon a motion to the Tribunch in connection with Dr. Soidl's objection and motion to strike, all this testimony may possibly be stricken, and the time is wested in taking it. For that reason, I think you should limit it to as short a period as possible.

MR. LINSMOFF: May I state for the record, Mr. Commissioner, first, as I mentioned earlier, the custom of anking a witness who is called for cross-examination a number of questions on direct examination has thus far been followed purely consistently through the trial. The most recent example I mentioned before, just two days ago, when Dr. Boettcher asked his witness who was called for cross examination by the Prosecution quite a few questions on direct examination. That is the first point. Now on the second point, as far as taking extra time, I am sure that Dr. Seidl is quite aware of the fact that after the defense case is in, the Prosecution would still have the right, assuming that we are completely -(mike cut off) - to bring evidence in rebuttal of other evidence which has been produced during the defense case. We can save much time if while the witness is on the stand, the one or two questions which we ask are permitted to go in, rather than have the witness called back again for the few additional questions.

THE COLLISSIONER: Well, I am taking this position, that in general, the scope of this examination is within the four corners of the instrument executed by the affiant. Now, the procedure I have followed here is to permit corrections and changes, in general, but not to add to the affidavit. That rule has not been followed with exactitude, but that is that I intended to do and still am trying to do - confine it within the four corners of the affidavit, if it is at all possible. There, however, some testimony groups in, as it inevitably does, we just lot it go in, subject to striking or such disposition as the Tribunal may later see fit to make.

IR. LESSOFF: In view of the Commissioner's attitude, I think I will accept the enswer given thus for by the witness and will not ask any further questions.

THE COLLESSIONER: For the record, Dr. Berndt, you represent the defendent Mean, is that correct?

DR. BERMOT: Yus.

THE COLLISSIONER: You may proceed, Boeter.

CROSS EXALITMATION

BY DR. BURNOT (For the defendent Menn):

- Q Dr. Sondel, may I ask you when did you arrive in Auschwitz?
- A I arrived in Auschwitz on the 10th of December, 1943.
- Q How long did you stay there?
- " I was there for three weeks.
- Q In the comp Auschwitz?
- A I was in the camp of Buna-Moments.
- Q But you stayed longer in Luschmitz then just three weeks, didn't you?
 - A auschwitz is separate, Bunn-Monowitz is close by, another comp.
 - Q But you mean the camp of Auschmitz, not iconcratt?
- A I was in Auschwitz for two months, from the 2nd of January until the 26th of February, 1944.
- Q That is not clear to me. You say you were in Auschmitz for two months, is that right?

instrument executed by the affiant. Now, the procedure I have followed here is to permit corrections and changes, in general, but not to add to the affidavit. That rule has not been followed with exactitude, but that is shot I intended to do and still am trying to do - confine it within the four corners of the affidavit, if it is at all possible. There, however, some testiment crops in, as it inevitably does, we just let it go in, subject to striking or such disposition as the Tribunal may later see fit to make.

IG. IMSMOFF: In view of the Ommissioner's attitude, I think I will accept the ensure given thus far by the witness and will not ask any further questions.

THE COLLESSIONER: For the record, Dr. Bernet, you represent the defendant Mann, is that correct?

DR. BERNDT: Yes.

THE COLLISSIONER: You may proceed, Doctor.

CROSS EXALINATION

BY DR. BIRNDT (For the defendant lienn):

- Q Dr. Bondel, may I ask you when did you arrive in Auschwitz?
- A I arrived in Auschwitz on the 10th of December, 1943.
- Q Now long did you stay thore?
- ". I was there for three weeks.
- Q In the camp wascimitz?
- a I was in the camp of Bune-Honowitz.
- Q But you stayed lenger in .uschwite then just three weeks, didn't you?
 - A Auschwitz is separate, Sunn-Monomitz is close by, another camp.
 - Q But you mean the comp of auschwitz, not immorate?
- A I was in Auschwitz for two months, from the 2nd of January until the 26th of February, 1944.
- Q That is not clear to me. You say you were in Auschmitz for two months, is that right?

- a Yes, I was.
- From the 2nd of January, 1943 -
- I was in Jame-Monomitz from the 10th of December, 1943, to the lat of Jamesry 1944, and I was in Auschmitz itself from the lat of Jamesry, 1944 until the 26th of February, 1944.
 - 2 all right. How old were you when you came to Lienomita?
- . Twenty-eight years.
- Trum what time ommards did you, yourself, observe willings of any kind in Auschwitz?
 - " Do you mean that I saw thom, or that I heard talk about thom?
 - Q That you observed them, that was my question.
- A I started to experience it from the beginning of my stay in Birkonau. I arrived at Birkonau on the 20th of February, 1944.
- Q On what feets do you base your statements with regard to the numbers of those killed?
- " My main source of information which has served in France also, could-give an approximate idea of the number of people who passed during a certain period through the crematoria, and seconding to the numbers which had been tetteed on their forearms. There was a special detail, composed in the main of Franchman, whose task was to take down the personal date of the resple who were admitted to the camp. According to the number which entered the crap, we learned that the percentage of those who entered the crap was 10 to 15% for men and 5% for women. For instance, my transport was about 1,000 people. We entered the camp by a special favor, between 15 and 20%. Amongst the women only 5% entered the camp.

COLRY VI CASE VI 15 Mar 48-9-1-11-AZN-Fascorif (Sachs & Mieslich) COLLEGION Q. These are such general statements and conjectures that one really cannot form a proper judge out and therefore no more questions are necessary on this point. I tould not the withess to describe to me a container which contained the dison gas. A. These were boxes ands of stal, tin, and I am not in a position to give an exact description since I lever thought of the possibility of testifying before a Tribusol on this matter. g. Here those containers round or nere they square? A. They mere round, Q. What did they look like? Fore they quite white or here they black or brown or what? A. I think it was something live a gray - green-gray color. Q. Did you ever see that was printed on such an empty container? A. The first tile I saw one of them was in the sipsy camp. At that time delousing was roding on in one block and those bornes were used. It was said at that time that it was Cyclon-B gas. Q. Did you setually ose this name, Cyclon-S, on the container itselfy A. I only saw it in the cractorium. 1. How, Doctor, tell a non your people do you think can be brought togother in one cubic meter of sycoe? A. I take the liberty of asking thether you need for living or for Milling? Q. For Hilling. A. This has no importance thatever. Q. I ask you and I think you ought to give me a definite answer to my question. A. When we were down there in the cremtorium we could not just find out exactly according to cubic nators the number of people the could be put in, but we knew one timing for sure, that crematoria Humber 1, and Number 2 could receive up to 2,000 people in the gas chambers, and crematoria 3 and 4 could receive 1,000 each. 9599

COLAT VI CASE VI 18 Her 48-9-2-H-ALM-Hastorff (Suchs & Kieslich) COLAISSICH

- Q. Could you tell me roughly how large these crematoria were?
- A. You mean the mas-churber?
 - C. Yos.
- A. It is rather difficult to say anything about it if you must exact measures of the rooms. This is only an estimate on my part. It is an established fact for me that people were already half dead when they were just enclosed there in this room for several hours.
 - n. Well, Dr., that is not an emerger to my question.
- A. I can not give exact measurement of it. I just guessed what it was.

 I said 10 meters by 4 meters, and this is cuite uncortain. I am not quite
 sure. It's just an estimate on an part.
- Q. At one time, Dr., you said that in one-half cubic meter ten people were killed.
 - A. I sever said so.
 - Q. The German record on page 3 -
 - THE CUIL LOS DOLLES That is the English page, please?
- DR. EDRADT: That is page I in the record, second question from the top.
- into a room of 64 cubic meters. You am ored, "fell, that is a "mestion one must ask oneself. It can only be accomplished by the German methods."

 And then there was the "mestion: "Do you soriously must to maintain that you can crowd ten people into helf cubic meter?" To that you answered: "Those 4,000,000 people who were massed as augch its bear nimess to that question."
- A. You wanted me to say that you could count the people who were pushed into the gas chamber. Let I wanted to say is that, unfortunately for the people who are were, and in particular for the families of those people, the 4,000,000 people who have been killed in Australia could not come up and testify on must hap ened there.
 - 4. But how do you know that 4,000,000 people were gassed in Australitz?

COURT VI CASE VI LE MAY 45-9-3-1-4-Ed-Hasdorff (Sachs & Micslach)

- International Military Tributel. In the second place, my personal experience. In a certain period of time I witnessed the Milling of hundreds of thousands of people who passed through the gas chambers of the crematoria. No doubt, those people are not able to testify now.

 Their askes are now in the liver Vistula.
- Q. One more question, Titness. There were the thermometers gut up in the Monowitz Cang?
 - A. You are asking about chorassectors. That kind of theresoceters?
 - Q. I hash the therme overs for the bemoratures.
- a. The fact that the prisoners cause back from work because they could no longer work outside and a sign that the temperature had gone for below zero. I had this information from the chief clock of the office who was himself a deported the had siready passed several years in the concentration camp.
- Q. Dr. Bendel, all I asked was that semebody, that you said it was minus 17 degrees. I only than't know how you know it was 17 degrees.
- A. I know this from the men to whom I referred, the citef cheric at the office.

DR. BEUDT: I have no further questions, hir. Commissioner.

THE COLLISSIONER: Is there further cross examination of this inthess?

DR. HOFFMARM: Dr. Hoffmann for the defendant Ambros.

INTERRIBER: I'm sorry, I dien't understand the mano.

THE COLLIGIOUS: The translation did not come through. If you state -- Dr. Hoffmann, state your name and thom you represent.

Now we got it.

Data HOFF walli: Dr. Moffmann for the defendant Ambros.

THE COLLISSIONER: Thank you.

translation, in view of the fact that the questions come through in German - to do it in German and have the English come through the regular channels?

Inthibitate: That's all right ith me.

COSS EUN DATION (cont'd) Dl. CL. CAS SIGISAND HADEL

BY DR. HOPFLAND:

- spend any time later on in other camps? And perhaps can you boll me in which camps and what time and for what period?
- A. As from the 27th of February until the 1st of June, roughly, I was in the Capsy camp in Tananau. As from the 1st of June until the 17th of Junuary, when the evolution of amediate started. I worked on the creatorium. As from the 17th of January I walked for three days to Loslau. From Loslau I want by train in an open freight ear to Hauthausen. There we arrived on the 24th of January. I stayed in Hauthausen for three days, until the 27th. Then on the 27th I departed for Eibensee, or, I was deported to Eibensee. In Eibensee I stayed until the American forces arrived. That was, I stayed until the 5th of 1mg 1945.

Q Witness, usually I don't make any preliminary explanation to questions I put to witnesses, but in this particular case I'd like to discuss a point with you which you yourself mentioned ealier on. This point is of considerable importance and it is the question of how you know about the general knowledge of gassings. I would like to ask you to consider very carefully what you say on this point and to be as objective as you possibly can. Earlier on you differentiated, first of all, between the knowledge among the SS guards in Auschwitz and the knowledge of other people. In this respect I would like to ask you once more, according to your opinion, did all SS members in the Auschwitz camp know about the gassings which were taking place or would it have been right to say that among the SS members in the camp some know more than others?

Witness, in order to make the matter clearer, I would like to add the following: In the Fohl case, a witness, a certain Mr. Kogon, was examined —

IM. HTMSKOFF: May I interrupt just a moment. The question without the amendment is already a double question. With the addition it
is going to be triple question. Now I would suggest that the question
be broken up so that the witness could answer the question part by part.
At first they ask whether all the SS in Auschwitz knew about the gassings. The witness could answer that. Then they asked whether some
knew more than others. The witness could answer that. And then the
third part. They ment to ask him. It is aufully difficult to have the
witness give one answer to a triple pointed question.

THE COMMISSIONER: Dr. Hoffmann, may I invite your attention to the comment of the Tribunal some days ago which I mentioned earlier in this session. The position of the Tribunal is that when a question is so general in its character that the Tribunal itself cannot determine when it has been answered, then it is objectionable. Now then, if you just use that rule I think you must beable to phrase your questions so that we

will not become involved with a number of issues and get more responsive answers.

DR. HOFFMARN: Mr. Commissioner, in that case I would like to put my question, first of all, in the following manner:

Q Witness, according to your own knowledge, did all SS members in Birkenau know about the gassings? I don't mean Auschwitz at this moment. I mean Kirkenau.

A I am quite sure that they knew. It was impossible not to know. I want to give an example. The SS members of the crematorium had frequent visitors. On one occasion I had to advise a patient who was an SS man from the camp and who had come to visit an SS commade in the crematorium because he had VD.

Q So, apart from this example, Witness, you say that in your opinion all the SS men in Birkenau knew and were bound to know about the gassings. Now, my next question is: To what was the extent of the knowledge of the gassings in general among the SS men in the general camp Auschwitz — that is, the Auschwitz camp proper — apart from the cutside camps? Do you think that every single one of the SS men, from the office clerk up to the commandant in the main Auschwitz camp knew about the gassings?

A Well, of course, it is an established fact that I did not use my time by making a circular inquiry among the SS members as to how much they knew or how much they didn't know, but at the same time it is also a fact, which I can prove, that the SS knew all about it, particularly the people in Auschwitz. In other words, they knew everything about the gassings which took place.

THE COMMISSIONER: I think that answers the question. Will you ask another?

Q Witness, I would like now to come to the following point, which
I would like to establish. In answer to questions to other inmates of
concentration camps I have been told that the immates of various concentration camps, as for instance Oranienberg, Mauthausen, and others, in

18 Mar 48-1-FjC-10-3-Hasdorff (Sachs - Kieslach)
Sourt VI Case VI Commission

spite of the well established information service, did not know anything about gassings in Auschwitz. They had heard about mistreatments
of course, naturally, but I'm coming to my question now. Did you later
on observe that the fact that gassings were taking place was well known
or not wall known within the various concentration camps?

THE COMMISSIONER: The witness may answer?

Q Did you understand my question, Witness?

A Yes, I have understood it. According to my knowledge, there was a gas chamber in Mauthausen, too, and anyway it was the intention to kill me in Mauthausen. The people who were in Mauthausen and Eibensee, and of whom I was one, and where I spent more than three months, were not able to survive for long. It was quite superfluous to use gas in those camps. I was there for less than six weeks, and I lost almost — almost 80 pounds. That means I was only roughly, half my original weight, and I had to undergo two operations.

THE COMMISSIONER: I think that answers your question.

Now, Dr. Hoffmann, I have been informed that it will be necessary for us to take a short recess, about five minutes, in order to replenish the film, and I thought that possibly we could run this examination until half past 12 and in that way complete it. Do you think that your questions will take longer than that, Dr. Hoffmann?

DR. HOFFMANN: I believe that I would need fully half on hour.

THE COMMISSIONER: Well, then I think we will take a recess now for five minutes and then resume at the end of five minutes and finish the examination.

(A recess was taken.)

18 Mar. 18-4-11-1-Riclsi-(Sachs-Kaslach)-Court 6 case 6 Commission

THE TWOSENER: The Commission is again in session.

THE GOT ISSIGNER: You may proceed, Dr. Heffmann

Grantles SIGNUND ROTHL - Resummi

CROSS EXAMINATION - Continued

BY DR. low ritalists

- 5 Witness, can you say from your wen experience, anything about gassings in other concentration comps?
 - A No, I can't.
- Q Witness, I now event to the knowledge that other people had who worked in the Asserwitz camp, and I as thinking here of civilian people. Ty first postion is, were there may civilians who worked in the Austiwitz cump?
 - A You, there were some.
- 4 Most, recording to your judgment, her mich knowledge mid these people have?
- of these passings, that is, the gassings which were taking place about 100 maters away from them. I am convinced because whenever coming from the increwity or the ausenvitz camps, would pass by the camp Sirkense creentery would shall berned corpses, and this shall really gave me a pain in the threst. In the period from July and particularly in that menth, the sacks and the flames row up to shout ten meters. I myself, when I was in the Cycey camp, was for several times from with my face so black from the systemal the sacks from the crematerium.
- O Witness, it has been repeatedly stated here that the fact that the corpses were burned and cremated was well known, and obviously a crematorium was put up for the purpose of burning corpses. Who, of those who lnew about the cremating of corpses, usually believed that it was a case of burning corpses of people who had died as a result of the typhus epidemic? Witness, I ask you now, would it not be possible to assume that some of the people may have been of good bullef when they thought that the corpses burned were those of patients having died in the typhus epidemic?

9606

IE. ITMERCET: The withese has not been asked whether it is possible to assure something. If he wants information as to what he knows what recurre we have no objection whatserver; but to ask whether it was possible to assure a mothing is not up to the witness to ensure.

THE DUTE IN IFINE Tou are objective to the question, I assure?

THE CONTEST WIRE "now you anything to say to that objection?

DR. FOR LineW: "r. Counissi nor, in that case I would like to restate my question ins dur as I would ask the witness whether he heard ...

780 for ISSICTA: Proceed, refrese the question asked.
ET DR. 1027-15-1:

Inthess, I would now like to pair you, first ever each to your knowledge that as an explanation of the burning of corpses in the crematorium the reason was given that these bedies were cremator, and particularly these bedies after the typhus opilamic had taken place?

TH. DUCISSIONA: The witness may cosmure

itself in Auschwitz. There were people who had been selected for the people who had been selected for the people who had been selected for the people of externination. The lists of these people, before they passed to the Political Department, passed throwin the dispensary. I' the dispensary it was contified that they had died as a result of some illness. These lists were then be, "ES" — Sandarbehand-lung, that means "Sandarbehand-

Q Witness, if all these victims passed through the dispensary would it not have been necessary to make out a certificate of death; and if this was the case, do you know what was the case of death given on these certificates?

a I can say that from my can experience. At the time when I passed through the Gypsy camp all illnesses, that is, all natural and unnatural illnesses, two, were usually called "heart failure".

18 Northia-1-6J-11-3-Riulsi-Comission tanc ó

- Q Titness, I would now like to ask you ... it haspaned that visitors came to the case, didn't it?
 - 4 305.
- If You listened to the comments of some of these visitors, dien't you? We also nave locates to this effect. Now, I would like to ask you, do you personally know that those visitors, or at least some of the visitors, caimed wrong impressions of the cump and that one particularly tried to show than that we call in German, "Potenkin village" or achour flage?

13 March-M-FL-12-1-Stewart (Int. Sachs, Kieslich)
Court No. VI, Case VI - CONFISSION

A.- The civilians who came and who received permission to enter the camp, that is, spart from the workers who came into the camp, those civilians could only be official visitors. Now, the main attraction in the camp could only be the crematorium. The spectacle for these people was very impressing to them.

Q.- Witness, did you yourself see official visitors in the camp who were shown the premetorium?

A.- I myself men I was in the camp could of course not know what was going on at the crematorium, but men I worked at the crematorium, I often saw that civilians came. Some of the visitors also were in military uniform, and these visitors came to admire the furnace of the crematorium as well as the whole installation, but of course, I can only say what I heard myself from a man who worked at the special command. We told me that a Dutch delegation arrived and after they passed through the Auschwitz and Birkenau camps, they expressed the desire to see the crematorium. That was the last time one admitted them to the crematorium. They were Dutch jews.

Q.- Witness, this man, this member of the special commando from whom you have your information, did he also tell you that these official visitors who were shown the crematorium, that they naw this crematorium when it was doing destruction working or was it perhaps shown to them during a normal cremation of people who had died in a normal way, a fact which obviously blso happened at Auschwitz?

A.- An eye witness told me about the visit of Himmler, when the cremateriums I and II were inaugurated. At that visit, as a special spectacle
a thousand people were gassed who had been brought to Germany into the
camp from France. Through a little window which was in the door of the gas
chamber, it was possible to watch every second the death struggle of all
the people in the gas chamber. From my own experience, I can say that while
I worked at the crematorium, this great "premiere" (spectacle) consisted

9609

18 March-M-FI-12-2-Stewart (Int. Sachs, Mieslich)
Court No. VI, Case VI - COMMISSION

of burning people but not in the furnaces, but even in trenches especially dug for the purpose. The capacity of those trenches was quite incredible. It was possible to burn a thousand people within one hour.

O.- Titness, you know that I pointed out to you the special importance of this whole matter at the beginning. That is why I would like to put the question to you again with great exactness. Your personal knowledge of what official visitors were shown of or inside the crematorium originates with a man who was a member of the special command, the sonderkommando, is that correct?

A .- No, that is not correct.

THE COMMISSIONER: Now, that is a complete answer. Take the next ques-

Q.- Did you then know of - have you got a personal knowledge then of what official visitors were shown of or in the crematogium?

A .- A few minutes ago, I have said that I was an ayemitness when this first use of trenches was made for burning of bodies. I was myself present when that happened.

Q .- Witness, can you tell me who else was present at this event, what visitors who were not members of the camp in some way or other?

A.- No, that I cannot say. I wouldn't know who the people were, but I know that the SS members of the camp were present.

Q.- Yes, certainly, witness, but what I would like to know is how many outside visitors were present at this spectacle, and that is why I ask you whether you know anything about the personalities of the visitors?

A.- Of course, there were visitors, because they had arrived from some other place. They had their cars and chauffeurs with them, and they must have been official personalities of high rank. The chief of the crematorium was extremely polite and militarily disciplined to all of them.

Q .- Those people who arrived from outside places, were they in uniform or did they wear civilian clothes?

18 March-M-FL-12-3-Stewart (Int. Sachs, Kieslich)
Court Mo. VI, Case VI - COMMISSION

A.- Usually they were in uniform, but I have also observed some civi-

Q.- Was it the black SS uniform or were there any other uniforms among them, party uniforms, for instance, or Army? Do you remember that?

A.- I have seen people in uniform with the Party badge and the swastike on it. The civilians usually had the small badge, the small party badge with the swastike in their buttonhole, but I couldn't tell you any other distinctive feature.

Q.- "Titness, you are a Frenchman? Now long had you lived in France before you were arrested?

A .- Thirteen years.

Q .- Then were you arrested? -

A .- On the fourth of November.

Q .- That year?

A.- 1943.

Q .- That was your journey from France to Auschultz?

A.- That is very difficult to relate, because we were shipped in freight cars, in close freight cars which were locked and never opened.

All I know is that we passed through Baarbruccken, and that we also passed through Frankfurt, and at one time we found ourselves in the station of Kattowits. We spent about three days on this journey.

O.- Witness, did any or many of your comrades from that journey --

A.- Yes.

Q.- Did you or your comrades before you were sent to Auschwitz in 1943, were you even given any indication either in France or in Germany with regard to the intention that you were to be gassed?

A.- Since everybody who was against the Nazis in France listened to the English BBC news, I had heard repeatedly that attempts of gassing had been made, or experiments, and that these experiments were made in Ausch18 March-M-FI-12-4-Stewart (Int. Sachs, Kreislich)
Court No. VI, Case VI - COMMISSION

whitz. Two weeks before my arrest, I had seen a postcard from a sender in Auschwitz, that was a woman who had been arrested a year previously. Among others, she said on that postcard that many of her acquaintances were already dead and that they had died during the last winter. In this way, when I later on saw the name Auschwitz on my arrival, I was quite clear what sort of camp I had come to and what expected me.

O.- Witness, can you tell us anything with respect to the fact whether during your journey from France to Auschwitz, any Germans knew what your fate, the fate of those in the train was to be?

A.- During the whole of the journey, which took three days, between Paris and Auschwitz, our car was opened about three times. The last time, this happened near Nattowitz, in a wood. There two guards who accompanied us dame into our car and demanded our watches from us. Nost of us were not much inclined to hand over our watches to them, thereupon, one of the soldiers said that there we were going to, nobody needed a watch.

G.- Witness, what kind of a soldier was he? Do you remember his uniform?

A .- I think it was gendarmerie.

Q .- Did he wear a blue uniform or a black uniform?

A.- No, it was a sort of greenish material. I couldn't tell you the exact shade of green, but it was greenish.

DR. ROFFIANN: I am sorry, Your Honor, but I maed the mitness, I believe also after the recess.

THE COMMISSIONER: How much more time do you need, Dr. Hoffmann? DR. HOFFMANN: Fifteen minutes, I believe.

THE COMMISSIONEL: How much more testimony will there be? Are there other defense counsel here who wish to examine the witness?

DR. TRAMBANDT: I don't wish to examine the witness.

THE COUNTS TO Wery well, then, your testimony probably is all there will be.

Narch-H-FL-12-5-Stemart (Int. Sachs, Misslich)
Court No. VI, Case VI - CONSISSION

IE. HITSMOPP: Nay I suggest that the Prosecution will under the present circumstances, at least, not have further questions on redirect examination, and since there are only fifteen minutes involved, would it not be advisable to continue and finish the witness and recess after he has finished?

THE COMMISSIONER: I shall defer to the wishes of counsel in that matter. If you would like to continue this until you are through, why, we will go shead; if not, we will recess for lunch. Now, that do you think about it, Doctor? Would you like to make one bite at it?

DR. HOPFHAMM: Excuse me, it isn't to waste time here for me, but I must go to dinner, and it is impossible when I make further cross examination: I cannot est something.

THE CONTESSIONER: In that case, then, we will recess until 1:30.

(A recess was taken.)

1948
18 March-A-FL-13-1-Melson (Int. Horn)
Court No. VI, Case VI - CONSISSION

AFTERNOON SESSION

(The hearing reconvened at 1330 hours).

THE LARSTAL: The Commission is again in session.

THE COLLISSIONER: Do you have something, ir. Himshoff?

IM. IINSMOPP: Yes, ir. Commissioner, I manted to express my regrets that I kept the Commission waiting. I was unavoidably detained. I tried to make contact — I'm andully sorry.

THE CONTESSION TO: That's all right.

I will say in competion with these hearings that we may have, in view of the large number of affidavits subject to examination, we may have a considerable amount of work during the next six weeks and for that reamon it will be necessar; for us to observe a more rigid schedule.

I idsh to start the proceedings promptly on time hereafter and posmibly some arrangement can be made so that technical difficulties will be recoved and we will always be able to start right at the time.

You may proceed with your examination, Dr. Hoffmann.

CROSS EXA: INTION - Continued

BY DR. HOFF AN":

Q .- "itness, is it correct to say that the gas chambers and the crematorium were at separate places?

A. No, it is only partially true that they were separated. There were two crematories. No. I and No. II which were exactly mext to the camp. That was the twin crematorium, the largest one. Then there were two other crematories, a little scaller the horo to III and No. IV which were in a very nice forest, the so-third forest crematorium and outside the fonce of the camp there was a number that was actually a but thich had been made into a gas chamber.

0, - Witness, was that the bolk gas thanber in Ausomnits?

A .- The cresatorium was not in Auschwitz, by the way, but in Rirkenau;

16 March-A-FL-13-2-Molson (Int. Horn)
Court Mo. VI, Case VI - COMMISSION

however, in Auschwitz there was a crematorium which had already existed before my arrival, but which was not being operated. I also had a chance to see this crematorium because it was a depot for the drugs and medicinal preparations, and outside of this crematorium which was no longer in operation there was a chamber in Auschwitz for disinfoction and delousing in which, on 17 September 1944, 200 men of my own detachment were gassed.

n.- Was this gassing of the 200 people of your detachment - something extraordinary in the Auschwitz gas chamber or did mass gassings take place in this chamber at other times?

A .- No, that was the first time that people were gassed there.

16 Ear. hun-Gd-1 -1-delson-(horn)-Court & I.C. Farben Commission Q Ilm far was auschwitz from Birkennau? .. I den't kn m the exact distance, homewar, probably it was two kilometers - perhaps one or two kilometers. y Witness, di. you speak with Germans after the und of the second rld der? " I'm, I was present as a witness in alm at all the lar o triuls. "itness, after the war "i! you heard from General that they har not luon mythin about the passings at Auschwita? a It's hard to say buckuse must people with whom I talked were lesen ante or po al. in cust my. 4 Glw, if some me who was n t a defeatent, a German wh ar not " a defendant, told you that he had not known anythin about gassings would you have considered that possible or would you have believed that he must have known semething about those passings? ich. Imbaber: by it please the Consission, there is no releasing whatever to what any Germans said after the War was over. There is no question in enyty by's mind that when the car was once ever there was a tremon has interest in denying any knowledge of what happene haring the war. any questions to this witness should cortainly be limited to what Germans know during the our rather than what the Germans denied knowing after thams was ever. THD. In: ISSICUTE I: This is on objection to the question, is it? IR. | DOKNEY: That is ri ht. To DO ESSIMPR: Will you state engthin you have to say in repard to that objecti n, Dr. Hoffmann. Dr. MUFFOLUM: I asked the witness about questions of momeral ourman knowledge and I wanted to say, with reference to his special position at Auschwitz, that he could be considered an opport in cortain matters

and in this capacity I wanted to ask his wainin about matters of

camp but outside of the camp.

common knowledge, not of circles of persons he described within the

put, to questions asked as to, in his epinion, what was the peneral knowledge with respect to passings. The objection would only be limited to the questions as to what parsons may have teld him after the bar was over.

THE JC ISSICAR: Well, the arguments of Counsel are in the record. Unless yet consider your question an important me, it would be a maneive to clearly the record of possibly unnecessary material if you work to ask some other question, but I don't want to rule may neither to I want to limit your right of cross exquence to I am many to let the witness answer it if you desire him to do so now in view of ir. Minskoff's objection.

DB. hOvers an Then I with rum my provisous question.

in I shall ask the witness to that extend in his opinion, general knowledge of passings at Auschwitz was possible in Germany and how fur such general knowledge existed?

I as eye-mitness know after I, myself, teller to mitnesses in the emap two of whom were in the Schierkommande, the special Commande.

These two people arrived at auschwitz in march of 19kh. They came from Scrlin. They had been hiding until the in Berlin. Their names were walter beta and Herrann Neumann. Herrann beamenn was working in a laundry and after no had been arrested be use sent to auschwitz and there he was assigned to the Schierkommande where I was able to talk with him and he tale up the following: In Berlin, when they were tald that they were to be sent to tuschwitz they had to consider quite clearly in their own minds that they would be killed there and that their death sentence had thus been signed.

Several weeks prior to the liberation of the Belsen camp, I beg your parton, Measer camp — I was ill and was in the dispensary of the camp and there were three of us in one best at the time. I had the confidence of a Capan journalist whose name was Hens Loderer who teld Court in Loipzic and the people connected with it had been acquitted because there was insufficient avidance regiment him. He was acquitted for lack of evidence; however, he and his family were sent to Australia and he was tria that it was all the saw whether he had been sentenced to leath or sent to Auschwitz. If course, there are other examples, but thus is one of the most important.

Q Concerning the last example, witness, I want to ask you: do you remember when this journalist Lodorer was sent to Auschwitz?

A I think, however, I am not quite sure, I den't remember his number, his prises number, but he is still living in Fracte, perhaps his sidness could be I und -- well, I think it was in '13 that he went sent to Australia.

Q the further question. 's it possible in your spinion that
the knowledge about inschwitz and what took place at anschwitz was
greater in the circus affected thereby them in the circles not affected?

know very well what took place at auscentite. It was impossible that an much well, as such jewelry, wrist matches, and checks could be token but of the compant broad ht into circulate a and could be exchanged for hundreds of themsends of circulates and find and for the best of find and circulates that were available — for fish, most, fat, but m, everything — all those things were exchanged in such quantities that it was quite incressible that this could have been in connection with only individual is dated cases. It is my impression that auschwitz was the center of black-market trade for all of Germany.

Dk. huPland: " further questions.

MR. MINSKOFF: to questions for the Prosecution.

The witness is excused.

This hearing is recessed until further notice.

(The Commission recessed at 1400 hours, 18 March 1948.)

1948 19 March-M-FL-1-1-Stewart (Int. von Schon) Court No. VI, Case VI

> Official Transcript of Military Tribunal VI, Case VI, in the matter of the United States of America, against Marl Krauch, et al; defendants; sitting at Murnberg, Germany, on 19 Harch, 1948, 0900 hours, Judge Skake, presiding.

THE MARSHAL: Persons in the Courtroom will please find their seats.
The Monorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, you will escortain if all of the defendants are present in the Courtroom.

THE MARSHAL: May it please, Your Honor, the defendants Leutenschlecger and Haefliger are absent due to illness; the defendants Duerrfold and Jachne are excused by the Court.

THE PRESIDENT: Are there any announcements from Counsel for the Defense?

DR. STORKEBAUG (For Schmoider): Mr. President, I should like to submit a brief memorandum concerning translation of the words, "fourderndes
litglied der SS", sponsering sembers of the SS. I do not want to take up
the time of the Tribunal. The document speaks for itself. It has been discussed with the Presecution, and as far as I know, the Presecution has no
objections.

THE PRESIDENT: Vory well. The memorandum may be filed and become a part of the record.

Anything further from the perensal

Anything from the Prosecution?

I should like to say on bonelf of the Tribonal that just this morning we have received the translation of the Motion or Petition which Dr. Dix presented a few days ago. We will give consideration to it just very prompt ly now.

19 March-M-FI-1-2-Stowart (Int. von Schon) Court No. VI, Case VI

If there are no further announcements, Counsel may proceed with the examination of the defondant Ilgner.

DIRECT EXALIPATION - Resumed

DR. MAX ILGNER

BY DR. BACHEM:

Q .- Dr. Ilgner, yesterday afternoon you were speaking about Mr. Wollenborg, br. Erikson and your trip to Faris, and the information Mr. Tollenborg gave to the French gentlemen. I should like to continue now. Bid the French gentlemen know, and did they approve that the administration of the Forsk-Hydro in the capital investment should make use of the privilege provided by the Charter, to eliminate 53 per cent of the new stock from the old stockholders?

A.- Tos, they know that, both in writing and orally, from the Prosident of the Society, Wr. Wollenberg. The two French members of the Styre, Mr. Moreau and Mr. Mibratte, both approved this decision orally and in writing. Horover, this was a right of the administration of Morsk-Hydro which was not by the by-laws.

Q .- The 43 per cont of the new stock excluded from the right to purchese of the old stockholders?

A .- Formally, yes; but in fact, not. But the administration of Norsk-Hydro before the war had purchased 40.83 per cent. This can be proven by the Prosecution Document, Exhibit 1202, Book 65, page 127. Actually, therefore, there was only 3 per cent which was excluded on the basis of the right of the administration, with the approval of all members, because the 40.83 per cent was already under the control of the administration.

0.- Can there be any question of pressure exerted directly or indirectly by Farben on the Frenchmen?

A.- Of course there can be no question of that at all. The decision of these Frenchmen was the result of consultation with their own President hr. Mollenberg; that was their own free decision, and made after a sober

19 March-M-FL-1-2-Stowart (Int. von Schon) Court No. VI, Case VI If there are no further announcements, Counsel may proceed with the exemination of the defendant Ilgner. DIRECT EXALTIMATION - Resumed DR. NAX ILGNER BY DR. BACHEM: "ollenberg gave to the French gentlemen. I should like to continue now. stock from the old stockholders?

Q .- Dr. Ilgnor, yesterday afternoon you were speaking about lir. Wollenberg, br. Erikson and your trip to Paris, and the information Mr.

Bid the French gentlemen know, and did they approve that the administration of the Porsk-Hydro in the capital investment should make use of the

privilege provided by the Charter, to eliminate 53 per cent of the new

A .- Ins, they know that, both in writing and orally, from the Prosident of the Society, ar. Wellenberg. The two French members of the Styre, Mr. Morecu and Mr. Mbratte, both approved this decision orally and in writing. Lorsover, this was a right of the administration of Norsk-Hydro which was not by the by-laws.

Q.- Jas 43 per cent of the new stock excluded from the right to purchase of the old steckholders?

A .- Formally, yes; but in fact, not. But the administration of Norsk-Hydro before the war had purchased 40.83 per cent. This can be proven by the Prosecution Document, Schibit 1202, Book 65, page 127. Actually, therefore, there was only 3 per cent which was excluded on the basis of the right of the administration, with the approval of all members, because the 40.83 per cent was already under the central of the administration.

Q .- Can there be any question of pressure exerted directly or indirectly by Farben on the Frenchmen?

A.- Of course there can be no question of that at all. The decision of these Frenchmon was the result of consultation with their own President hr. Wollenberg; that was their own free decision, and made after a sober

9618

19 March-M-FL-1-3-Stewart (Int. von Schon)
Court No. VI, Case VI

weighing of their own businesses and the existing possibilities.

Q.- And why did this Styre of Morsk-Hydro make use of this right to exclude the 43 per cent?

A.- The by-laws say that these A3 per cent can be excluded if it is in the interests of the company. The Styre of Norsk-Hydro considered this measure to be in the interests of the Norsk-Hydro. There were various reasons. The primary reasons I recall was that the Air Ministry demanded to be included in this transaction, and demanded participation in Norsk-Hydro.

Q.- And why did the Air Pinistry demend such a participation in Norsk Hydro?

A.- Because the Roich Air Ministry did not trust either Farben or Morsk-Hydre. Farben, had, for decades, been closely allied with Norsk-Rydre. As I said yesterday, 17 held 25 per cent of this firm. There were very close technical and commercial connections. There was a great degree of confidence, after the decision of the Air Ministry. The Air Ministry was to participate in the new company, Nordisk Lottmotall, that was one-third was to be exceed by the Air Ministry, who-third by Morsk-Hydre and one third by Farben. The Air Ministry suspected that Farben and Morsk-Hydre would be united, and in this way, the conditions would be unfavorable to the Air Ministry, - the proportion would be two-thirds against ene-third. Therefore it was decided that there be equal participation of the Reich in Morsk-Hydre, and in that way the influence of Farban on Morsk-Hydre might be controlled or compensated for.

Q .- Was all of this known to the French too?

A.- Of course, That was exactly what Mr. Wollenberg, as President of Morsk-Hydro, was to tell the French personally, and what he did tell them.

I. Did Mr. Wollenberg, when he was in Paris, have time enough, and did he have the opportunity to talk to these French gentlemen calmly?

A. Hore than ample. After Mr. Wollenberg, Mr. Eriksen, Mr. Kersten and I arrived in Paris, at the beginning of March 1941, Mr. Wollenberg suggested to me that on the next day I should go to the Bank de Paris with him. I, however, suggested that he and Mr. Eriksen of Morsk-Hydro should first go alone to the Bank de Paris in order to have a private talk with those gentlemen first; aside from the fact that I was not a member of the administration of Morsk-Mydro, this was a question of tact in this way. The French Lemmed of the project for the first time from their old President, Mr. Wollenberg, in Paris. In addition to that, Mr. Wollenberg wanted to stay in Paris for some time. His daughter is married to a Frenchmen and he visited her. We got approved for this with great difficulties. He remained to Paris for some time, - in Paris and in France, - privately, and had plenty of time to see all of his friends, particularly in the Bank de Paris.

- Q. Were there any joint conferences with the Bank de Paris?
- A. You, there were several, As I recall, I myself attended only the first one, since the later ones were executive conferences. The big conference was attended by Mr. Mollenberg, Mr. Briksen, Mr. Moreau, Mr. Mibratte and Mr. Conture, and quite a number of people from the Bank de Paris, but for our side, Dr. Mersten and myself, from Mr. 7, and also the financial adviser of I.G. Farbenindustric in France, Mr. Jacques Raindre.
 - Q. Dr. Ilgner, is ilr. Wollenberg still living?
 - A. Unfortunately, not, but his son is living,
- Q. I should like to continue. The Prosecution quotes on page 33 of the Trial Brief, as Exhibit 1024, Book 65, English page 73, German page 132, as a proof that Ferben took the opportunity to gain a decisive influence on Norsk-Hydro. That do you have to say about that?
- A. Quite aside from what I have said so far, which clearly refutes this idea of the Prosecution, the Prosecution document itself proves that it was not Farbon but the German Government, quite obviously working

against Farbon, which manted to create a German majority.

In this Exhibit, on page 73 of the English, Exhibit 1204, we find the following passage, that the Viag, - that is a Reich company, - with the support of the Reich Ministry of Economics, - that was President Kehrl, - through the Dresderr Bank, established contact with the French, in order to obtain a German Enjority in Morsk-Hydro, and on page 74 of the same Prosecution Exhibit we find another statement by the Plenipotentiary General for the expension of light motal production in Norway, Mr. Koppenberg, who makes this statement for the Reich Air Ministry, and the Reich Ministry of Economics at the same time:

"In his opinion this opportunity is to be seized in the interest of Dermany."

- you please explain that?
- A. They were very definitely against Farben. The Government know that Farben had for years been a stockholder of Norsk-Hydro. The Government knew that Farben had Friendly relations with the administration of Norsk-Hydro in Oslo, as well as with the French stockholders in Paris; that the Bank de Feris which represented the French interests of the Gorman government was interested in Norsk-Hydro. It would have been natural to discuss this matter with Farben, and to inquire of Farben, but not only was this not done, but the Dresdner Bank received from the Reich Government, from the Reich Maistry of Economics, a secret order, without the knowledge of Farben, behind Farben's back, to negotiate with the Eank de Faris, and to attempt to get participation for the Gorman Reich in Norsk-Hydro directly.

We learned later that Mr. Pilder, the Director of the Dresdmer Bank, who was in charge of these megatiations, had been given a direct order from the Reich Ministry of Economics to keep silent. It was, therefore, quite obvious that this was an invasion of Norsk-Hydro directed against Farbon. In the minutes of the Chemicals Committee of I.G. Farbenindustrie, called Chema, under date of 26 April, 1941, we find the following entry,

and I quote: "Hacfliger rejorts about the invasion of the VAT," that is the Reich Society, "in the capital of Norsk-Hydro of Oslo".

- I. I should now like to come to enother point. On page 22, at the bottom, in the Trial Brief, we find a statement that the KA in a meeting of 18 herch 1941, discussed the problem of how the enormous sum of approximately one billion Hormogian knowners was to be raised. I ask you, did the light metal project actually enount to one billion known?
- A. No, the Prosecution has follow vistim to an unfortunate mistake here. In the MA meeting of 18 largh, 1941, I reported about my first trip to Norway after the outbreak of wer. Mr. Mappenderg and the men of his staff were in Oslo at the same time as Mr. Haefliger and I. At the MA meeting, aside from everything class, I spoke of my serious misgivings, from the point of view of national economy about this project, which then in 1941, I said, was and, just as I have said today. Economists will understand that if one considers the relative size of a country like Norway, with a circulation of 400 million kronens, and an industrial project of one billion kronens.
 - Q. What was the size of the Parbon project in Normay?
- A. The project in which Ferben ommed one-third, assumted at that time to a total of 106 million bronous, that is, the Perben share was a little over 50 million bronous. That can be seen very clearly from my statement in the same KA mostling which is also received in Prosecution Document 1205, and I quote: "Purben participated in the light motal project with the magnesium fractory; the total capital of this company will be about 106 million bronous."

- O. In the foundation of Hordisk Lettestall were the Norwegian laws and the wishes of the Norwegians respected?
- A. Tes. In the foundation of Nordisk Lettmetall the Reich agencies de anded, for example, that the cirimian of the Aufsichtsrat-should be a Germen, Plenipotentiary General Koppenberg himself, Nordisk Lettmetall and we, Farben, wanted him to be a Norwegian, the General Director of Nordisk Lettmetall, Dr. Aubert. To were therefore looking for a way but. A fermal working constitted was formed; the chairman was lir. Koppenberg, and my colleague Reefliger belonged to this committee for Farben. In this way we had amaged to make a Norwegian chairman of the Aufsichtsrat.

Another example, perhaps even clearer. The members of the Styre of Nordisk Lettenetall and to be appointed, that is, the board of directors. Norwegian law does us a Norwegian majority in the Styre. Since the Styre was not to be bigger than three persons, logically enough there was only one place left for both German groups. If both German groups had been represented, we would have had to increase the Styre to five, and that would not have been desirable for many reasons. Therefore Farben waived the right to have a representative of their own, since the presence of his. Brikmen in the Styre guaranteed that our interests would be properly represented.

- Q. In the middle of page 35 of the trial brief there is a reference to the French stockholders, I (vote: "They were the original underwriters of the stock capital."
- A. No; as the Prosecution and it in the trial brief it is not right. That is right is that the French were among the important founders of Morsk Hydro in 1905, just as the Radische Amilia und Sodafabrik long before the Morld War was also an important partner of Morsk Hydro. The same is true of the Ensoilda Bank in Stockholm. But such more important is the observation that by the fundamental technical reorganization of Morsk Hydro by Farben in 1927 Farben became a twenty-five percent stockholder; without manting to imminize in any way the importance of

COURT VI CASZ VI 19 Mar 40-3-2-11-AEH-Schwab (von Schon)

the French, this importance lay essentially in the past. The technicalindustrial development had been advanced by Parben, and therefore the importance of Parben lay in the present; since 1927 it had been constantly increasing.

- It. On page 35 of the trial brief the Prosecution says that the French majority was changed into a German majority. Is this true?
- A. No. For several reasons which I have already dealt with estimustively, the French majority became a minority. That is true; but there was no German majority, although this was the intention of the German authorities. The total German holdings, if one includes Farben together with the holdings of the Reich government, (although this is not quite the correct way of looking at it), amounted in 1944 to forty-two percent, Farben twenty-one percent and the Reich twenty-one percent, as against French holdings of about thirty-seven percent—these thirty-seven percent being in the heads of one group. The intentions of the German government were not carried out, and there was no German majority.
- Q. Did the French have an opportunity to exercise their rights of Aurahase?
 - A. Theoretically yes, practically no.
 - 1. That do you mean by timt?
- A. To excercise this right the possibility of the treafer of currency from France to Marmy would have had to exist. Actually, however, there was no French-Homogian clearing, so that the possibility of transfer did not exist. According to my knowledge of the situation, there were only very few Franchica the had any intention at all at that time of investing money during the war in Norway, which was occupied by Germany.
 - Q. Was this question discussed with the men of the Darrice de Paris?
- A. Yes, I remember that the fact of there not being any French-Morwegian clearing was noted as a fact by everyone concerned, but everyone know that that was a government matter. For this reason I personally took no interest in this question. There was nothing we could do about it.

- 1. If, bocause of the lack of clearing, the French were not able to exercise their right to claim this stock, then there was no market in France, so that in practice the rights of the French stockholders in Norsk Hydro were valueless; is that right?
- A. Yes, that is quite right. But in view of the old friendship between Norsk Hydro, Farben, and the French, we of course prevented that by, in a sense, creating an artificial market, by setting a price for these claims such as would have developed naturally if there had been a carket.
 - 1. And how was this done?
- A. The banker Mallanberg, whom I have mentioned repeatedly, was asked at my suggestion by the Banque de Peris, as well as by us-Norsk Mydro and Farben—to get as arbitrator in the establishment of a fair price. Of course the French melcomed this.
- Q. Could the French mithems your or Farben's initiative have gotten anything for their claims?
- A. No. These claims would normally have been void, since there was no market, and the French would have gotten nothing at all. That would happen in the normal couse of business.
- 4. Did the French members of the Norsk Hydro administration, Noreau & Mibratte, want to attend any meetings of the Norsk Hydro in Oslo during the war?
- A. Yes, but it was we who originally expressed this wish. We had already arranged the trip for them, and in the beginning the French were willing, but then there was so much talk about collaboration in France that they began to have misgivings, and we quite understood that. And then the trip never came off.
- stockholders considered the tore prisoners of war of the Germans?
- A. Yos; on our initiative very generous arrangements were made for the prisoners of war.
 - 1. On page 35, at the bottom, and page 36 of the trial brief, there

is a remark of the Prosecution indicating that the French stock holders had to sell their claims to a German bank. Is that true?

- A. No, the purchase of the claims was carried out by a French bank, the Banque de Paris. This French bank carried out the purchase on the basis of a telegraphic offer of the Stockholm Enscilds Bank, in Stockholm. Later, by order of the Reich Aviation Ministry, the Bank der Doutschen Luftfahrt was involved in this translation in order to have an accounting with the Banque de Paris.
 - q. Did the French stockholders have to sell their claims?
 - A. Certainly not. It was a right but not an obligation.
- 1. The Prosecution, on page 36 of the trial brief, at the top, says that the French stockholders were paid in French france, and calls that a fictitious consideration. That can you tell no about this?
- A. Dr. Baches, I have nothing to do with financial questions. I don't know what the Prosecution means by this, but the case seems quite clear to me. The Banque de Paris purchased the claims from the French stockholders for French frames. I am convinced that the Banque de Paris, the leading bank of France, acted quite correctly here. I do not of course know any details, since this thele transaction was corried out directly between the Banque de Paris, the Enseilda Bank in Stockholm, and, as I have already said, the Bank der Deutschen Luftfahrt, acting on orders of the Aviation Ministry. The Bank der Deutschen Luftfahrt, as I recall, appeared in dealings with the Carcue de Paris as actually the only purchaser.
- Question the word "Ruccksichtnehme" was mistranslated. It was translated as "consideration." I beg your pardon, it is mistranslated in the Gorman trial briof. We will look this up.

I should like to speak about a different period of time now, Dr.

Ilgnor, the time after the destruction of the Nordisk Lettmetall plant
by air raids in the middle of 1943. Thy was Farben so interested in having
the water power completed, although the Roich Government ordered the plant
closed down?

19 Mar. /6-1:-CJ-/:-1-Schwab-(von Schon)Court 6 case 6

A Fecause that was in the interest
had needed, this water power for years,
Norsk Hydro had asked Parben to do every

A Fecause that was in the interest of Norsk Hydro. Norsk Hydro had needed, this water power for years, and the administration of Norsk Hydro had asked Farben to do everything possible to have at least water power facilities completed. But unfortunately we were not able to do so. The Government refused. This Normegian news paper (shows paper) that I have here shows now important this was for the Normegians they are completing it today.

Q Did you, Dr. Higner, in the question of damages, represent the interests of Herak Hydro against the German authorities?

A Yes, I personally specifically represented the interests of Norsk Mydro in the negotiations with the German authorities, and they asled me to preside during this time. And the Bank der Dautschen Luftfahrt represented the German interests. In my opinion this was the first case during the war when we succeeded in getting the German Government to recognize foreign claims for war damages. The negotiations were extremally difficult and extremely complicated and took up a great deal of time. I reported to the Vorstand meetings of Farben about them very often.

I Norsk hydro had to be paid damages just like the German shareholders in Nordisk Lettmetall?

A That was not easy, and as I said it took a great deal of work.

My main argument was to say that Norsh Hydro had cooperated only

because of confidence in Farben and if this confidence were misused

that would soriously impair the esteen in which the Germans were held

in Norway, and thus would endanger all industrial projects. And I

reported to this effect in the Verstand me sings too.

Q Is it true that it was only because of reliance on Farben that Norsk Hydro had decided to cooperate?

A Fo, that was not true, but my colleagues in the Vorstand did not contrdict me at the time because they probably realized my good intentions, and realized that I was trying to help Worsk Hydro.

Q or. Ilgner, you were speaking about the errest of Mr. brikson, who was beneral Director of Morsk Mydro. When and at whose instigation was he arrested?

A In the summer of 1963, shortly after his appointment as Director General, he was arrested by Reich Commissar Torboven. He was arrested by Reich Commissar Torboven he had become Director General against the will of Reich Commissar Torboven. We, Norsk Hydro and Farben made him Lirector General against the will of the Reich Commissar, with the approval of all the members of the Styro.

Q And why was the Reich Commissar for Morway against Mr. Eriksen?

A Bucause Eriksen was anti-Quisling and the whole administration of Norsk Hydro was anti-Quisling.

& Did you, Dr. Ilgnor, while Mr. Eriksun was under errest, have any contact with him?

A fes, we visited him in the came four times, my colleague Oster, brank-Feble, and I myself visited him twice. I called on the commandant of the cump, Colonel won Bosse. "a was a very good man, and he was astemed that he had to keep the Morwegians prisoner. Friksen was allowed to keep documents, which was prohibited. He was able to obtain records from his colleagues in Morway. I believe he got weekly reports. When I visited him the last time in the camp at Luckenwelde that was in Morch, 1965—he said to me, and I quote: "Ilgner, it is a fine thing that during all the war in all these decisions we have never had any disagreements and have always been able to mork together in harmony".

I arranged gift packages for him and rhought them in and smuggled in cigarettes from Eulgaria. I am just telling that to show what our association was like. In spite of that, Eriksen was a prisoner for a year and a half, which had a very depressing offect on him. I made a great effort to have him released. We have a good deal of documentary evidence on that.

19 har. A. - H. J. - 3-Schwab-(von Schon)-Court 6 case 6

I morely went to tell a little story. When I made formal application that ir. Arikson be released saying that I would take him in at his wife's request so that he would not be in Burlin, because there were air raids there, the head of the economic Department of the Reich Commissur in Horway Wr. Otto, said to me, "Ar. Ilgner, I want to call your attention to the fact that if Mr. Eriksen is released you will be responsible for him with your life", and he asked me whether wether I was willing to undertake that responsibility I did not hesitate a second. I said, "of course". There is documentary evidence of that, especially from Mr. Griksen himself.

Of Dr. Ilgner, to conclude the subject of Norway I shall sak you, is there even a single phase in this entire transaction to which in your opinion, there is any objection legally, morally, or ethically?

A Dr. Bachem, I must tell you what as for my participation and the participation of Farbon in the Norwegian transaction is concerned, I always considered it an absolutely fair transaction, especially considering the extremely difficult and complicated conditions prevailing during the war.

DR. PACKLE: Frat concludes the subject of Norway.

Mr. President, this concludes the direct examination of my elient.

THE PRESIDENT: Thank you, counsel. Any interrogation of this defendant by other Defense counsel?

BY DR. 1206N (Counsel for defendent Kuchna):

I have only one brief question to you, Er. Ilgner, about the Southeast Europe Committee of Farben. The Prosecution, in answer to a motion of Dr. Lummert of 11 December, 1917, for his client Dr. hons Kuchne said on 16 December 1917, and I quote: "If he had not been identified with dazi aggressive and expensionist aims he would scarcely have become and remained the chairman of the Southeast Europe Committee from 1936 to 1914."

The only question here is the Southeast Europe Committee of Farben of which you yourself were also a member.

19 inr. E-3-4J-1-3-Schwab-(von Schon)-Court 6 case 6

I merely want to tall a little story. When I made formal application that Lr. Eriksen be released saying that I would take him in at his wife's request so that he would not be in Berlin, because there were air raids there, the head of the economic Department of the Reich Commissor in Horway Wr. Otto, said to me, "Er. Figner, I want to call your attention to the fact that if Mr. Friksen is released you will be responsible for him with your life", and he asked me whether wether I was "illing to undertake that responsibility I did not hesitate a second. I said, "of course". There is documentary evidence of that, aspecially from Mr. Triksen himself.

Q Dr. Ilgner, to conclude the subject of Norway I shall ask you, is there even I single phase in this entire transaction to which in your opinion, there is any objection legally, morally, or ethically?

A Dr. Bachen, I must tell you that as far my participation and the participation of Parben in the Norwegian transaction is concerned, I always considered it an absolutely fair transaction, especially considering the extremely difficult and complicated conditions prevailing during the part.

DR. BACKLE: That concludes the subject of Norway.

Er. Prosiuont, this concludes the direct examination of my client.

THE PRESIDENT: Thank you, counsel. Any interrogation of this defendant by other Defense counsel?

BY DR. IRILA (Coursel for defendant Kuchne):

Southers: Europe Committee of Farben. The Prosecution, in enswer to a motion of Dr. Lumaert of 11 December, 19h7, for his client Dr. hons Kushne said on 16 December 19h7, and I quote: "If he had not been identified with Mazi aggressive and expansionist aims he would scarcely have become and remained the chairman of the Southeast Europe Committee from 1936 to 19hh."

The only question here is the Southwest Europe Committee of Farten of which you yourself were also a Member.

19 Mar. E-M-GJ-h-L-Schab-(von Schon)-Court 6 case 6

I should therefore like to ask you: Can you tall me whether this contintion of the Prosecution is correct?

A No, of course it is not at all correct. Dr. Kuehne was chairmen of the Southeast Europe of the I.G. Farbenindustrie. That was just a technical body with an advisory capacity. It had nothing to do with the Southeast Europe Committee of the Reich Group Industry, any more than this has to do with Nazi methods or aggressive war.

Q No further questions.

EY DR. ASCHENAUAR (Counsel for defendant Gattineau):

Q Lr. Ilgner, I have several questions. Where did Dr. Gattineau work before he came to Berlin?

A To my knowledge he was at that time the secretary of Geheimrat Duisberg, the chairman of the Aufischtsrat and the Verwaltungsrat of I. C. Farben Industrio.

- Q fid he work for Geheimrat Bosch at that time, too?
- A Not yet.
 - Q When did Er. Gittineau come to Serlin?
 - A As I recall, it was at the end of 1931.
 - What department did he take over?
- A As I recall, he took over the Press Office of Farben. A few months later, at the end of '31 or the beginning of '32, a Trade Policy Department was attached to this office.

19 Mor 48-M-AJ-5-1-Gaylord-von Schon Court 6 Casa 6 Q. who was in charge of the press office? i. The press office was at that time directly under the central committee of Forben, or Professor Selck, who was appointed by Geheimrat Bosch to this duty. Q. Was Dr. Frank-Fahle the deputy chief of NW/79 A. Dr. Fahle was one of the deputy chiefs of Nu/7. Q. Did Dr. Gattineau have this function too? A. No. Q. when was the Economic Policy Department founded? A. The Economic Policy Department was created by order of Gohoimrat Bosch at the meeting of the Verstand, September 1982, in Halle on the Samle. Q. Yas this done for political reasons; that is to may, did it have any connection with the MSDLP7 i. No. it had nothing to do with that. Q. Why did Dr. Cattinosu become its head? A. That was very logical. Dr. Gattimoau was already the head of the press office. He was the head of the Trade Folicy Department, and from these departments it was that the Economic Policy Department developed in September 1932. Also, he had all the objective qualifications. Q. Did Dr. Gattineau, as far as you know, belong to the NSDAF or any of its affiliated organizations at that time? h. No. Q. Were there any political considerations involved in the selection of Dr. Gattinesu as chief of the .IFO? A. No. Q. How long was Dr. Gettineau in charge of the /IMP? A. Until the end of 1938. Q. who was his successor? A. Dr. Jost-Terhoer. . Q. In 1933 Dr. Cattineau received the powers of prokura. Were 9631

19 Mar 48-M-AJ-5-2-Gaylord-von Schon
Court 6 Cess 6

there objective or political reasons for this?
A. Furely objective reasons; first of

its own signatures for lotters. They were always coming to the Central Finance Office to have letters signed, and we had no time to do that.

aside from that, the position was such that it justified having a

prokurist.

Q. is for as you know, was Dr. Gattineau. Rochm's occupante adviser?

i. I never heard of that. But with all respect to Cattineau.

I must say he wasn't even 30 them; he wasn't such an important man at that time.

Q. In your affidevit, Exhibit 512, you list Dr. Gattimoau under the experts. So also belonged to the sorberet. -re these influential. offices or positions in public life?

A. How influential the F-circle was, I have already explained, and I assume that about the same is true of the werberat.

Q. Do you recall that Dr. Gattineau, after the events of 30 June 1934, left these positions?

with a consistency one can understood only from a person who barely escaped being shot -- got out of all political positions or positions which were in any way involved with politics.

Q. On 30 June '34 Dr. Cattineau was arrested. Did his superior. Professor Solck, call you up?

A. Yes, he did.

Q. What did he say?

A. He demanded that Gattineau was no longer to enter the building and was to be removed from his post.

Q. Did you comply with this request?

A. No. I tried to hide behind Geheimrat Bosch, and Geheimrat
Bosch investigated the whole thing very objectively and concluded that as

19 Mar 48-M-MJ-5-3-Caylord-von Schon Court 6 Casa 6

for as Farbon was concerned there was no stigme attached to Gattineau and therefore he remained in this position.

- Q: That was the attitude of Professor Selek after 30 June 1934 towards Dr. Gettineau?
 - A. Joll, that is vary understandable: he didn't like him.
- Q. Did this attitude of Professor Selck's have any influence on the fact that the press office was separated from the .IPO in 1935?
 - A. Yos, that was one of the reasons.
- Q. In your direct examination you said that your associates and assistants whom you selected did not belong to the Party or its affiliated organizations. How about Dr. Gattinogu?
- A. Then my sounsel asked about the associates whom I selected myself. I said that none of them belonged to the Party or sympathized with the Party. On the next day, when speaking about the JIPO, I said that the JIPO and the press office were the only two departments which I, myself, did not found and whose personnel I therefore did not appoint myself. Flease don't misunderstand that. That doesn't mean that I want to disassociate myself from those men. I am just observing that. But to answer your question: I should like to say that when Dr. Gettineau was made subordinate to me in the second half of 1934 he was no longer a member of the Si and not yet a member of the Party.
- Q. Does the list of personnel of the "IFO on Page 8 of Exhibit 377 of your affidevit refer to the time before or after 1939?
- A. This list does not refer to any specific time. I couldn't do that from memory. But it is approximately the beginning of the war.
- Q. as the Abschrbeauftregter, as such, directly under the Betriebsfuchrer or his deputy?
- A: The ..bschrbeauftrager was directly under the Betriebsfuchrer or his deputy:
- Q. Did Dr. Gattineau have any assignment from Farben to keep contact with Floch?

19 Mar 48-M-MJ-5-4-Gaylord-von Schon Court 6 Case 6

- A. I never hourd of that. He never got any such assignment from
- Q. Did the wife, during the time when Dr. Cettineeu was in charge of it, have any essignment to deal with espienage?
 - L. No.
- Q. Do you know enything that might indicate that the alfo did this?
 - in No.
- Q. Did the -IFO have an assignment to carry out political propagands for National Socialists 7
 - 4. No.
 - Q. Did it do so?
- ... I never heard of it, and if I had heard of it I certainly would have stopped it.
 - Q. You explained yesterday what the M-question means.
 - L. Your
- Q. Essentially: deferments. Did you in connection with the Magnestion have any idea that this was proparation for mar?
 - A. No, cortainly not. These were quite normal measures.
 - Q. was Dr. Gattingon deferred before the war storted?
 - A 20.
- Went to take over the defense economy department and therefore was transferr d to the directorate department. What do you know about the incident?
- A. Dr. Noack must have had very serious failings of his memory.

 Mr. Noack came from the Roich Maistry of Economics and he handled such questions there. He came to Ferben and was surprised that Ferben had not done enything in this field yet. He took the matter up very energetically so energetically that he offended all the sales organizations. He wanted to have the question of deferments handled centrally in Berlin instead

19 Mar 48-M-LJ-5-5-Gaylord-von Schon Court 6 Case 6

of in the sensible way, on a decontrolized basis. There were so many difficulties from my operations with my commercial colleagues because of this matter that for this reason and for personal difficulties between ir. Nonek and enother associate -- I believe that Mr. Nonek challenged him to a duel; he was quite a hot-head -- he was put in the directorate department by way of punichment. He was kicked upstairs.

- Q. Did Gettineau have an assignment from Farbon to negotiate with the A07
- A. Not Cattinome. Then the VIFO become involved in this, the
- Q. Did the JIFO send any periodic reports to anyone outside of Ferbon?
 - a. Not that I know of. I do not believe so.
- Q. You said yesterday that Cattinonu in the mail conference reported that Keppler mented to report from Neubacher. Do you know how Gattinosu happened to be caked for this?
- a. No. I know no details. I wesn't present myself at this conference. I have that from the files.
- Q. You spoke about the task of VO.I. was Dr. Reithinger. the head of it, a director?
 - A. You mean: Frokurist with the title Director?
 - Q. Yos.
 - 4. No, he me not.
 - . Q. What happened them Dr. Gattineau ins appointed director?
- A. Reithinger was joulous and he wanted to be one too; but that was impossible.
- Q. For what reason was Dr. Gattineau a guest at individual KA metings?
- A. That was usually on my own initiative. "hen there were southern European questions to be discussed. I suggested to Mr. von Schnitzler, as the chairman of the KA, that Gettineau ought to be called

19 Mar 48-M-LJ-5-6-Caylord-von Schon_ Court 6 Case 6

in on this point, since he was an expert in that field and was best able to report on these questions.

- Q. In the KA rectings of 24 May 1938, NI-6073, it was provided that Dr. Gattingau should later become the delegate to Yugoslavia. Was this reclized?
- A. I don't remember this at all, but I know for a fact that he never was a delegate for Yugoslavin.
- n. Did Dr. Gattinesu belong to the Southeast Committee of the Economic Group?
- that was something that was brought out incorrectly in the interrogations. It actually never existed. There were individual men she were appointed by economy in order to carry out negotiations as experts for the Economic Group. We an expert for Slovekia, Dr. Gattineau had been appointed.

 I. Myself, was the chairman of this committee, which in fact never met.

 It was only called on as the occasion areae, but I believe Gattineau was never present.
- Q. Did Dr. Gattineeu bring you in contact with lending political personclities?
- A. Yes. I can remember one time that I took him to Vionna with me. That was the business with the commissors. I did not know Austria -- I hadn't been there for Six years -- and I happened to hear that Cattineou know a Dr. Bilgeri from the time when he was a student there. This Dr. Bilgeri, as I learned later, was the right hand man of the Roich Commissor for Private Industry, Refelsberger, in Vienna. This bridge, even though it wasn't very great, was good enough for me to take on so that I would know where to start.

19 inron- JF-6-1-Gaylord (Int. von Schon) Surt VI Casa VI Q. That means that before 193h he didn't bring you into contact mitt Reakin? A. Mo, I never hat tooks. Q. Did Dr. Cattingen have anything to do with Skoda-Joizlar before nic Laschluss? A. No. Q. In the Ki record of 2h lay, it was said that Fischer was made Monipotentiary for Austria so that for the time of his military measurers he mould be replaced by Dr. Gattimenn. How long did these maneuvers take? A. Iwo or three weeks. Fischer was a Farben employee. He was not in the inistry of Economics as was cleimed hore. He was there only during the war, as military service. He was in charge of the negotiations because I didn't have time. Q. What word Dr. Cettinocu's duties after the Skeda-Vetaler purchase was completed, with respect to Benavehorie? A. Dr. Gattinegu was acquainted with the conditions, and uspecially the organisation, and I believe be had some sort of school for the Transaction of Demoucha tie. Q. Did Terben intend to carry out the construction of Moneuchanie in matric in the interest of the Far-Year Man, or what cas the idea? A. I believe I have already made it clear enough that it had nothing to do with the Four-Year Ylan. It was a purely economic matter in order that the obsolete and impractical facilities be reorganized and improved as Austrian plants. Q. You mean to say that this had nothing to do with the German war machine, as the Prosecution calls it? A. No, nothing. Q. Did Farbon intend to use Denauchemic as a cover? A. What do you mean? A cover for what? You remember the Schnitzler affidavit. A. Well, a cover for what purpose? 9637

15 Arch- -JF-6-2-Gaylord (Int. von Schon) curt VE Case VI . A cover for the acquisition of the entire Austrian chanical or party. A. No, that is complately out of the guestion. Q. Was Monauchonic Perbun's selon organization in Lustric? A. Dorauchemio had a thing to do with sales at all. That was the Charitalian Vorknufs-GmbH Donnu. That is a different company. Q. Did Donauchemio pay dividends? A. M., that was not possible. They were operating at a loss. We had to get then out of the red again. Q. In conclusion, I have a few questions about Dynamit-Nobel, Pressburg. Word y u a member of the Vermaltungerat of Dynamit-Mobel, Prasacurg? i. I was first a rember and later one of the tar vice-presidents. Q. How did it come about that Dr. Cattinocu was made unnaging director of Preschurge A. That was effor the conference in Sudepost, which has been discussed horo, in July 1936, when his excellence July wise and on ther men, Paul Moller, were present. at that the DiG-Traisdorf and Parbon promised that we would reorganize this obsolute factory at Proseburg and take over these southeest interests and would revive it. For that reason, we needed men. Since inclier had a good technical can, Karl inyer, and no commercial man, and since Gautiness was present at the negotiations and they liked him-he is a Davarian, a south German, and the Austrians and Bungarians liked hin-they were very willing to have a men like Cettinoru, who had proved what he could do, surgested for this post, and I suggested him. Q. That means that General Director Thilips and his Excellence Toiss, as representatives of the biggest stockholders, approved the appointment? 4. Not only did they approve it but they welcomed it. Q. That body appointed layer and dattineon? A. This was done in the normal way by the Board of Miructors, the

inted ir. Cettingen there were no political commiderations.

Q. Tos the basic salary of Dr. Hayor and Dr. Gattineou increased by

A. The bosic sclery i these postland was not increased during the tr. I lm w they beause Dr. Toul hellor, at the request of Coheinret Solution, discussed the question with the reportion fettimen from the

. That was the model recovered which the camering directors

A. This topondod on their ac levelents and on its benefit. There was a very fine levelogeume for which Costinent and layer were responsible.

Q. Can are call the position of or. Cattingau at Pressburg, that f c omideate?

A. Fr, n thing like that. He was a director appointed in the normal 1007

1. And he have my ribts wor his tochnical colloanue, or. Myer?

i. Way that bet hed the some rights.

9. In the Vermiltungeret of Dynamit- box, Pressburg, did the Townsion and 'American to observatives over criticise the passines tion by the care want, write we also pinion of these on about the asards ables by ir. Layor and Dr. Gottingen?

A. In the Var riture smit I byme it-Orneislava, there was a very polite tame, and at the end of the mouting, thanks was always politely appressed to the camepagent. The appreciation of Dr. leyer's and Dr. Scitinoma's work was nore than politoness; it was really predicted.

A. Las it customer in Dynamit-Hobel, Pressburg, that all important becauses be submitted beforehend to the Vermiltungerat for its 1 1 12 12

Like what is called in Laurice a Board of Directors. That is nore than a Verstand. In this Verwaltungerat, it was customery that anything fecisive that was done should be discussed and passed on by the Verwaltungerat beforehand. The pentlemen themselves were not emplored if this board. They were efficient but not members of the Board.

Q. Vas industrialization in the southeast prescribed by the Government?

A. On the contrary; I tried to make that clear. We wanted to help the southeastern pe ple t develop their industries. The Mast authorities had relatively little and in part no understanding for that.

Q. That means there was m. connection with the Frar-Year Man there either?

... Cortainly note

C. Do you last expende about computery participation in the

La No.

Q. Did the arrament program have engthing to do with this?

I. No, Dr. Aschemener. Those facturies were to supply the demostic market. To were happy if we could supply the consumers! market of these countries. That was our duty: to see to that especially during the war, and us tried to do so.

0. I have finished by examination. Thank you.

THE TRESIDENT: Is thore to be any further examination by this defendant by consel for definionts?

Very Well, y u need it a start until after the recess, Dr. Cicrlichs.

The Tribunal Will rise for its __ruin_ recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. DIM: Your Monors, the defense counsel extremely regret to hear of the accident which has befallen the Chief of the Prosecution. Seneral Taylor, his wife, and a member of his steff in Berlin. The isfense counsel have the desire from the feeling of human and professional solidarity, first of all, to tender their sympathy to the members of the prosecution, and to you, Monorable Judges, and express the desire that the General and his wife and Mr. Forence shall recuperate as quickly as possible.

THE PRESIDENT: Thank you, Dr. Dix. That is most thoughtful and considerate on the part of counsel and parties. I shall personally assume the responsibility of calling the attention of General and Mrs. Taplor to your observations and to the record in which your remarks apport.

MR. ANCHAN: May I, on behalf of the presecution, express our Appreciation to the defense for its expressions of sympathy.

THE PRESIDENT: The Tribanal now recognizes Dr. Gierlichs.
BY DR. GERLICHS (Attorney for the Defendant Gebeimrat Schmitz):

- Q. Dr. Ilgner, first of all, I want a clarification from you shout Dr. Fincher's functions. He was mentioned repeatedly in connection with various paragraphs in the indictment. Until what time did Dr. A.R. Fischer belong to the organization of Farben Berlin NW 77
- A. Ho was never a member of the Berlin INV 7 organization. Dr.

 Fischer, during the first two years after the evolution in 1933 and 1934,
 held a Deputy Business Managerial position and 1 ter I appointed Mr.

 Helfelt for this task, because I did not want to take care of these functions any more. Thus, this position coased to exist for Mr. Fischer,
 on the basis of the Labor RegulatingDecree, but he was in the same building with us. He was prt of Oil-Sparte. I was a friend of his and, as a
 result, I am very well informed about his career.
- Q. When did Dr. Fischer take over official functions upon orders of the Government?

19 Narch 48-M-SM-8-2-Arminger (Katz) Court 5, Case 5 service, for civilian service. Q. At what time was that? in that .. inistry.

- A. During the war he was drafted for service, but not for military
- A. After the ar broke out, approximately. I cannot say it any more ommatly - he was drafted for service in the Reich Ministry of Aconomics as Ministerial dirigent in order to handle the Oil Department
- Q. As far as Dr. "Ischer participated in negotiations about Skoda-Metaler and Donauchenic, he did so as a member of Parbent
 - 4. Yes, he was a Farben official at the time.
- Q. One dan say about the functions exercised by him after the outbrook of the war that he was an official, during the time of the war. and superated from Farbent
 - A. Yes, that is correct.
- Q. Why was not Mr. Fischer's right of signature severed from the list of Farten people who were suthorized to sign? You recall that this quention come up some time ago.
- A. That is a matter of course. During the war, many employees, 40,000 of them, were drafted from civilian service, and we would have had a lot of trouble if we had withdrawn all those signatures of those people who were drafted. That was just a natural consequence of the war.
- Q. Did Dr. Fischer, after September 1939, participate in the Farben committee meetings, in particular, in the meetings of the Commercial Conmitteel
- A. No, I remember this very well for this resson: Geheinrat Schnitz forbade him very strictly, in a manner which hurt him a little, to perticipate in these neetings and especially in the Connercial Connittee Mestings. Thus he did not perticipate in then.
 - Q. What was the reason for this attitude of Geheimrat Schmitz?
- 4. Geheinrat Schmitz wanted a clear separation between Parben and Ministries.

- fication. I have a few more questions to put to you, Dr. Ilgner, for clarification of Geheinrat Schnitz's participation in the problem of Usrob Evero Lettnotall. What was the nature of Geheinrat Schnitz's participation in so for as the Norck Evero problem is directly concerned?
- A. First of pll, it was conditioned by his duties as a member of the Styre of Forsk Awdro and as for general financial questions in which Parkon played a part, because he was the leading financiar of Farbon.
- Q. Did Geheinret Schnitz in the course of this activity maintain on contact with the representatives of the Poreign Hydro Interests and, in particular, with Mr. Aubert and Mr. Mallenberg?
- A. Tos. I know that Mr. Mallenberg, when he came back from Paris, saw Sebelment Schmitz on one or two occasions. When Dr. Aubert in the autumn of 1960 called for help and turned to Farben, he undoubtedly saw the Sebelment, but I don't know that positively. I only assume that he would, if only as an expression of politeness. It would be quite normal that he had contacts with wr. Erikeen, but they were only sporadic.
- Q. As far as you discussed this matter with Geheinrat Schnitz,

 did you have the impression that he stressed particularly, in carrying
 but the entire transaction, that the original Borsk Hydro interests,

 should be safeguarded under alleirounstances?
- A. You, that was quite in keeping with his mentality, Geheinrat Jakultz was very objective. He could take the part of several people. He was of the opinion that here he should represent the interests of Morak Haro.
- Q. Thank you very much. To what extent was Geheinrat Schmitz involved in carrying out the Lettnetall transaction?
- A. I do not know that so well any more. On the occasion of Vorstand meetings I probably reported it to him currently, but personally he could not do very much, because all of the initiative had shifted to the Government.

9643

C. In a document presented by t e prosecution, during the crossexamination of Dr. Haefliger, NI-8972, there is a remark to the offect
that, particularly in the question of the new distribution of the share
capital of Morak Hydro, Geneinrat Schmitz allegedly pulled all the strings.
According to the knowledge that you have of the circumstances, is that
remark correct for Farben and for Mr. Schmitz's person?

19 Mr 48-M-MB-9-1-Foxsia (Int. Katz) Court No. VI, Casa No. VI. A Mr. Haefliger never had any idea about all these financial affairs and also not at the time when he signed the affidavit. He therefore is not competent. It is the other way around. I explained it here, that due to the initiative of Mr. Kehrl of the Seich Ministry of Economics to which opinion Mr. Koppenberg joined himself, this action was undertaken behind the back of Farben and that we had no more initiative in this matter. 4 The last question, as far as Geheimrat Schmitz perticipated in the magnesium project, Lettmatell, at all, did he have primarily any interest to see to it that the penetration of the Reich-owned Ving be prevented by the nitrogene sector, and does that explain his participation in the negotiations in the magnesium field at all? A Yas, nitrogen was his favorite subject. That depended on his position as the "La Cia", the president of the La Cig, and he was very much afreid that if the Vieg had panetrated it should non cause them to try to seize hold of the nitrogen field because this Reich-comed Ving company also represented in Germany the nitrog in interests, and we were very much concerned. Nork-Hydro was nost concerned of all, and we had to make a very unfavorable compromise to the affect that these shares should not remain in the hands of the Ving but get into possession of an agency that was not interested in nitrogen. At this occasion I would explain that the Reich agency used this opportunity to exert a pressure on Farben, that we could only achieve this by granting a Reich enterprise a license on magnesium, a fact that we had rejected before that briel. This shows the great concern that we had about this penetration on two fields, in the light metal and nitrogen field. Q Did this attitude that was held by Farben and by Schmitz also correspond to the original desires of Norsk-Hydro who wanted to gat under no direct influence of the Reich? A Yas, of course. 9645

DR. GIFRLICHS: Thank you vary much. I have no further quastions.

THE PRESIDENT: Anything further, gentlamen of the defense? (No response).

THE PRESIDENT: Then the prosecution may cross-examina.

CROSS-EXAMINATION

BY MR. NEWMAN:

Q Dr. Ilgner, is it a true statement that of the individual members of the Farben Vorstand you were particularly in charge of the increase in Norsk-Hydro capital stock?

A No, that is not a correct statement. It would be correct to say that the increase in capital of Norsk-Hydro was solely and only the affair of the Styre of Norsk-Hydro. The suggestion for the increase in capital was made by the chairman of the Norsk-Hydro, the banker Wellenberg.

Q No, this is not quite my question. I was asking you whether in the Farben Verstand you were particularly in charge of this matter?

A To the extent that the Porben Vorstand at all had any decisive participation in this affair, I was the one who participated in these negotiations, that is correct.

Q Did you know at the time when such incresse was decided upon that the majority of stock belonged to French stockholders?

A Until 1941 I had not concerned myself with Norsk-Hydro, with these questions at all, or elmost not at all. I assumed that that was quite clear to me, but this was not of interest to me any-how.

Q You tastified this morning that the Mazi Government intended to create a German majority in Norsk-Hydro?

A Yas, that can be --

Q Wait a moment. Didn't Farben fully cooperate with the Nazi Government in order to attain this purpose?

19 Mar 48-14-18-9-3-Hoxsie (Int. Katz) Court No. VI Cass No. VI. A Excuse me, I didn't listen to you properly. Q Did not Ferben fully cooperate with the Nazi Bovernment in order to attain this purpose? A Hat The increase of the capital of Worsk-Hydro was accomplished in connection with the setting up of a new corporation, the Nordisk Lettmetall, is that right? A The increase of the capital of Norsk-Hydro was a consequence of the resolution of the Styre of Norsk-Hydro to the effect. that they were going to perticipet. in the Nordisk-Lettmetall to onethird, to the extent of one-third, and it was the function of the styre of Worsk- yero to procure the soney necessary for this purpose. 4 Is it not true that this first marting of the Norsk-Hydro board concurning the incress of count I stock took place in June 15/19 A I cen't toll you that. I don't baliave that I perticio tid in this misting as a guest, but I will cosume that you are correct. Approximately around this time the Styre of Norsk-Hydro concurred itself with this question, but I cannot tell you exactly. I wasn't there. I misn't a member of the Styre. W Is it not a fact that the stockholders' meeting of Norsk-Hore in thich the resolution concerning the increase of the ergital stock was passed took place on June 30, 19/17 A As for as I have been able to see from the prosecution's documents, on the 30th of June on extraordinary general stockholders! meeting took place which made a resolution that was passed on to the Franch for their approved by the Morek-Hydro. Q fou tastifled yesterdry that Forban's new order for Morway This is our Exhibit 1191. A Yas. Q - has nothing to do with the transactions in Norway bacause the new order was only prepared and sent to the Ministry of 9647

Sconomics in Saptambar 1941.

- A Right.
- Q Which was after the entire Norsk-Hydro reorganization had taken place.
- A No, I didn't say that; no, I didn't say that. I did say that if this mamorandum was sent out at all it was either sent out on the 29th of September or later at a time when all decisive resolutions of the competent boards had already been unde, and not as you have just said, that the transaction was carried out than, but that it was just begun there.
- Q New I ask you, is it not a fact that the principal parts of the Norwegian new order, together with the covering letter, were sent by your NE/7 office to the Farban Verstand on May 5, 194, isn't that a fact?
- own document as attentively as I. I read it very attentively, and that document as submitted to the numbers of the Vorstand in May for their opinion, for the expression of their opinion, and from the text of the second letter it can be seen that the draft sent in May was now reconverted, that it was not sent out at all, and that it was only finished in September, and that it could only have been sent to the efficial agencies in September if it was sent at all. Therefore, my statement is quite correct that the sending out to the efficial agencies could only have taken place beginning with the 29th of September.
- Q If I understood your testimony correctly you stated that the Styre or Board of Directors of Norsk-Nydro decided to participate in Nordisk Lettestall, and that the French representatives on the Styre agreed to that. Did I correctly understand?
 - A That is quite correct.
- Q Did I correctly understand you to say that through your efforts the French representatives were fully informed of the

setails relating to the organization of Nordisk Lettmetall and the resulting incress in the capitalization of Norsk-Hydrof

A Yes, because Mr. Wallenberg had taken it upon himself, upon the request of the Styre, to inform the French, and if a man of the title I Mr. Wallenberg undertook to inform his friends and if he is given fourteen full days for that purpose, then I believe it isn't too hold of an assumption of mine that Mr. Wallenberg informed the French quite fully.

Q Do you recall that in Earth 15kd when you visited
First the French representatives were promised that they would be
dole to participate in the increased capitalization of Norsk-Hydrof

A Yes, the French even considered it very important, and that can be seen from the documents. In the pumphlet, the possibility regarding a participation in the increase in capital is clearly expressed, and for that reason I approved my defense counsel's question as to whether the French might have exercised this right, I taskered, "Theoretically, yes; practically, not.

I introduce in this connection NT-12665 which will become ur Exhibit 2016. This is Wibratte's letter to Reindra, R-1-1-n-0-r-1, of May 28, 1941, to which a -called observations of the French are attached. I am not going to ask you wont this document, but I particularly refer to No. III, second paragraph of the observations, which is on Page 3 - Page 5 of the English mimengraphed copy, and also Page 5 of the Garman.

A' I should be very gled if you could give me a copy ton.

Q for will have an apportunity. The testified this morning to the 13 percent part of the new capital stick.

THE PRESIDENT: Counsel, just a mount please. You have introduced a document as a part of your cross-examination, and the defendant has requested a copy of the document. The Tribunal considers that is within his rights. Even though you do not see fit to interregate him about it, will you see he is supplied with a copy

9649

19 Nor LE-M-18-9-6-Hoxeis (Int. Katz/ Court No. VI, Casa No. VI.

of the document?

MR. NE MAN: Yes. Now for the record, the defendant has now been supplied with a copy of this document.

THE TITMESS: Your Honor, may I planss ask that I be laft in peace to read this document?

1) Parti-1-Ti-12-1-Housia (Int. Matz)

DR. DIX: Nay I make a remark here please? Day before yesterday I believe that we discussed between ourselves that it would be desirable that if copies are run off that sufficient copies are made so that all defense counted could be given such a copy.

THE PRESIDENT: In that connection -

(Dr. Dix was handed copies of the exhibit)

DR. DIX: I don't know how much, but not enough. To make it quite brief, we only mant copies, and I ask the prosecution to be kind enough in the future to make sufficient copies for all.

THE FRESIDENT: Let me say this. This is a recurrence of an incident that took place a couple of dams ago that occasioned a considerable consumption of time, and perhaps some unnecessary lass of time. The Tribunal fools that it would be helpful to keep this procedure in proper channels if when the prosecution under such circumstances as these see fit to offer a document as a part of ibs cross-examination, the prosecution should at least indicate the purposes for which the document is offered, and if some particular part of the document is involved, that that should be designated. Otherwise the Tribunal finds itself in the rather unhappy situation of having documents offered about smich the competency is not made to appear, and also counsel for the defense are somewhat handicapped because they They find themselves with a good many documents on hand and no indication of the pertinancy of them. Now, I think we ought to follow the same rule as we have followed to documents generally throughout this trial. That is, when the prosecution offers a document as a part of a cross-examination, it should indicate the purposes and the parts of the document that are concerned. I do not say that critically because Fr. Newman had just done that in this instance. Direct the attention of counsel to a particular part. I think that is a practice that will perhaps save us considerable time and uncertainty.

1) Harch-H-WI-10-2-Moxsie (Int. Cats)
Ghart No. WI, Case VI

IR. ACCEME We will try to do that, Your Honor. I might also say that furing this cross-examination we are currently distribution to the defense sounced ten copies of each document which is being offered.

T. (By Er. Newman) - New, you testified this morning as to the 43 percent part.

THE TITTES: One minute, I haven't finished reading it yet.

THE EXCEIDENT: Counsel, it will not be necessary for you to read it I mean defendent - because counsel has indicated he intends to ask you no
constions about this. Now, your counsel has been supplied with a copy of
it and so have you, and if later on redirect examination it is proper for
you to offer evidence concerning it or testify concerning it you will be
offered an opport- ity in the meanting to read and study it out.

THE TETMESS: Thund: you very much.

LY LR. ME-1949:

n.- You toutified this morning as to the 43 percent part of the ca-

A .- 705.

Fig. Did you not promise the French that they should receive payment for their share in the 43 percent?

A.— No, I couldn't have done that because I was ignorant of this
43.05 percent since I didn't know the details of the Borek-Hydro organization. However, What has been shown quite clearly here was the spirit
of our negotiations in Earch when we didn't know yet that the Reich wanted
to penetrate, come is, and when we were still on our own we wanted to safeguard the full rights of Prench shareholders. That became of this affair
later is in consequence of the fact that the Reich actually penetrated into
Norsk-Hydro and that the possibilities of a transfer, which was in the poter of the Reich, were not carried out.

O.- Is it not a fact that in May 1941 when the representatives of lorsk-Hydro asked you to convey to the French information relating to the 17 Serok-1-71-10-3-Houselo (Int. Fatz)
Court No. VI, Case VI

organization of the Mordisk Lettmetall Corporation that you refused, or your office, to convey such information?

A .- Do you mean me personally?

Q .- Your office.

A.- I cannot tell you. I don't balieve it. At any rate you would have to tell me some datails. I do remember, however, that I was told, because I am a frank speaker, that whem I talked to the French I shouldn't disclose the superfluous internal affairs of the Germans, and then I said, "No, if I am going to talk to the French then I am going to tell them everything I know. That is only right and fair.

MR. METAN: In order to prove this fact I introduce IN-13205 which will become our Exhibit 2019. This is a letter to Hersk-Hydro signed Frank Fable and Morston of Thy 26, 1941. I have no further questions as to this focument.

THE TITIESS: Thy I nevertheless be permitted to read this document so that I right perhaps be able to give you a more intelligent answer?

THE FRESIDENT: Your answer is sufficient for the time being. You will have an opportunity to read the document and you will have an opportunity to testify about it if you and your counsel agree that it is a proper sub'set of testimeny. Do not bother about it now.

G. (By i'm. Novemen) Do you -

THE TITISS: I should merely like to answer, Mr. Houman. This is a conversation that took place -

THE PRESIDENT: I think, witness, now you are going to find yourself in a unhappy situation. Instead of doing that you are about to do you had purhaps bottor study the document and talk to your own counsel, because if the permit you to testify now, you may find the doors closed to you later on when you have had an opportunity to study the document. I think it is only fair to you to suggest to lay the document aside until you have carefully studied it and conferred with your counsel. Then if you wish to tes-

17 March-M-FR-10-4-Monsie (Int. Mats)

.if you will be possitted to do so. We do not want you to get yourself in a position of having unived that.

IP. HEHAM: I think your Honor's remarks were directed to the defundant, and I think in there you stated they were directed to counsel.

THE FRESHMENT: That is correct.

EY DR. MOTERAL.

Q .- Do you recall that you made a special trip to Paris on or about fune 20, 19/1 --

..- Yos, in Juno.

9.- Just a mor nt, - in order to discuss the request of the French in connection with the planned increase of orsk-Tydro capital?

A.- I can't tell you any more what the perticular purpose of my trip, was, but I know exactly that I was in Paris in June 1941.

O.- Did I correctly understand you to testify that you wanted the Presch to be represented in Oslo but that they didn't care to do so?

A.- I slready testified quite clearly about this in direct examination, that we asked them to undertake that trip, and that because they were alread to be suspected of collaboration with we understood that they then didn't must to carry out this plan any more.

IR. NETRUE Now, in this connection I introduce NE-12209 which will become our Exhibit 2020. This is a reproduction of Farben's telegram to finindre of June 7, 1941, I particularly refer to the third paragraph of this telegram.

THE VIEWES: Are you going to ask me about this telegram?

IR. METAN: I have no further questions.

THE 'ITES: You said something about the third paragraph just now.

THE PRESIDENT: Now, counsel, you are unduly disturbing yourself about that. I man defendant. I am so acquistemed to talk to lawyers instead of defendants here that I apologize to you. You are unduly disturbing yourself

1 | archel-12-13-5- omnic (Int. Fatz) Court No. VI, Caso VI bout it. Counsel has stated that he does not ment to interrogate you cout it. That does not mean the doors are going to be closed on your postifying. He says he is not concerned. That is sufficient for his purpose. As I said before, you will have time and opportunity to read the docomunt and your counsel likewise, and then you and he can determine whether you and he wish to make some further explanation. THE 'IT ESS: That was a misunderstanding, ir. President. DR. DIZ: i'r. Promident, I don't ment to be contentious, it is extroonly embergessing to me to get up needn, but again no have only throw co-La, I am so sorry. T. Milar ir. Fresident, we shall see to it in the Inture that at loast ten copies are evailable and I think you will be cortain to get two or three English. THE PRESIDENT: Very will. See to it in the future that you process challen cooler that to till have so recurrence of this incident. STILL STATE 1 .- Dr. Ilener, is it not true that the Prench were not even edvised that the board meeting will take place in Oslo on June 19, 1941? A .- I can't toll you that, that is the first I hear of it, but I realby can't answer that question. 0.- "Non you were in Faris on June 20, 1941 and conferred with the French representatives, is it not a fact that you turned down their request for participation in "brek-Hydro's increased capital stock? A.- No, I don't resember that. I remember that we talked about the irpossibility of the transfer, but you would have to refresh my memory becouse I can't answer your question the may you put it. Q.- Was l'onsider Allier of the Banque de Paris one of the French representatives with recom this ougstion was discussed? 4.- I read his name here for the first time. I stated on direct exam-9655

If Trock-I-FL-10-6-House (Int. Wats)
Court No. VI, Case VI

in those conversations, I likewise participated in the basic discussion, the total part of the French only one gentleman spoke, and he was the Enimen de Counsel, libratte. Afterwards there was certain discussion between the executive officials, Frenchman whom I don't know, and Dr. Tersten from the German part, and they discussed details about which I did not concern myself. I never concern myself about details. That is why I can't answer your question.

IS Newto-1-FI-11-1-Seapson (Int. Nats)

The Then on June 14, 1941, the extraordinary general meeting of the Mardisk Lettentall stockholders passed the resolution to increase the capital stock, is it not true out of the about 152,000 chares voted, count 96 per cent represented Parken and I.G. Chamie and that the Franch stockholders were not represented at all?

A .- I can't toll you that. That is a Morwogian affair.

Q.— Is it not a fact that own after the reorganization of Norsh-Mydro you falled to heep the Prench representatives posted inspite of their repeated requests?

A .- I didn't understand the question.

Q.- I shall report the question. Is it not a fact that even after
the reorganization of Horsk-Hydro you failed to keep the French representatives posted inspite of their repeated requests to this effect?

A .- That question dobsn't mean anything to me; I don't even under-

Q.- Now, we can shorten this by introducing document --

A .- Ask me z direct question; I would be able to understand you but-

THE PRESIDENT: It impresses the Tribunal that there is some marit in the observation offered by the defendant. You do not disclose as to what you are asking that he should have posted or might have posted him about it. The subject matter of your inquiry is not disclosed at all; and, can't you be a little more specifie?

IR. HE MAN: Information about Nordisk Lettmotell.

THE PRESIDENT: Just repeat your question as a shole now. You listen to it, Mr. Defendant, and see if you can answer.

BY IR. NETURE:

Q.- I refer to your statement yesterday that you acted as a sort of a mail office between Oslo and Paris in 1941 and 1942. In this connection I

19 Parch-H-Fi-11-2-Eampson (Int. Kats) Court No. VI, Case VI

Type you is it not a fact that even after the reorganization of Norsk.

Nyare you failed to keep the French representatives posted on the devoLoganats of Nordisk Tydro, and Lettmontell inspite of their repeated

Topusts?

I wasn't a mail corrier. By office transmitted letters; I never do that ayaalf. Second, you said that the French representatives weren't supposed to be informed about something. What do you mean here? Technical things, communical things, increase of equital? That is completely unclear; you would have to define that a little. Thirdly you didn't give a date when that was supposed to have taken place.

THE PRESIDENT: Just a moment, Now, may I say to you that we are using this yellow light a good deal and the Tribunal has some information to the effect that light bulbs are protty scarce in Nurnberg, and we would like to have these yellow bulbs last until the end of this trial. Now, southamen, just slow down your speed a little bit and I think we will get along better.

IN. NEWAN: Fr. Prosident, I think we can shorten this by introducing II-13206, which will become our Exhibit 2021. This is a letter by Erickson to you of Devember, 1942.

THE PRESIDENT: Now, what is your purpose in offering the letter?

17. NETMAN: My purpose is to rebut what Dr. Ilgaer, the defendant, said yesterday in direct commissation — that it was his assignment, or, he took it over voluntarily, to see to it that information from Oslo concerning Nordisk Hydro, the capital increase and the Mordisk Lettmotall reach the Paris stockholders.

THE PRESIDENT: Vory woll.

A.- Ney I ask you whether I am supposed to answer about this letter or not?

19 | -- co-1-71-11-3-Sempson (Int. Kats)
Court No. VI, Case VI

TOR. HERMAN

Q.- Just a moment. Dr. Ilgner, you testified this morning that a server German majority was created in 1940, in Nordisk Hydro in 1941 since Faguer, as you stated, owned about 21 percent and the German Reich Agency another 21 per cent. Did you include or exclude in this figure about 10 percent hold by I.G. Chemic. Basel?

A.- In these figures, the perticipation of approximately 9 per cent which are hold by I.G. Chemic, Basel, is of course not included since the I.G. Chemic, Basel, as has been explained very clearly in different connections, since 1940, did not have any economic union with Farbon in any way whotsoever.

Q.- Now, do you know and did you know in 1973 that Mordisk Hydro
by participating in the Mordisk Lettmetell project sustained an ever-all
loss of about 45 illion Krones, Mormagian Krones, that is about 10 million dellars?

A.- Note than that. The loss of the Norwegians was 50 million and we lost each 60 or 70 million, all three of us; because of the resolution of the Reich government to close down, the plant had a loss on the books, only on the books, but in order to enswer this question, the factories were in Moracy and the Norder to had the control of them. We were the ones that lost.

2.- Turning now to Austria. You tostified about the report which purported to quote you Hengel, Johan's predecussor, about the intention of the Creditenstalt to sall its Skoda Petalor's shares. This, I understand, is Document 1A7, your Document Book IX, not yet submitted. Now, is it not a fact that won Hengel's alleged statement about which you testified refers to the year 1936, more specifically to May, 1936? Is that correct?

A .- That is correct.

Q. - Did I correctly understand you to say that his von Hongel's report

19 March-1:-71-11-4-Sempson (Int. Kata) Court No. VI, Case VI

indicated that Johan's affidavit, our Exhibit 1067, is not correct? Did I understand that to be your testimony?

A.- Well, I don't know what is supposed to be incorrect; what do you really mean?

O.- You testified that therefore Johnm's statements in his offidavit that when he took charge of this matter the Creditanstalt was strongly apposed to selling its Skeda Watzler shares must be incorrect. Did I correctly understand you?

A.- Yos. I said that and I maintain that statement, for there Johan said in his affidavit that we never unated to participate to separate ourselves from the participation in the Credit-astalt and that is not true.

G.- Now, is it not a fact that Johns in his affidavit speaks of the period beginning with 1937?

THE FRESIDENT: That would be improper; the affidevit would show, and if it doesn't show it, the witness would not know it.

IR. HETAN: Hr. President, I am sorry, but my purpose was to bring out some of the clear contradictions between what the defendant said and what is in our documents.

THE PRESIDENT: Lot us know what the defendant says and give us your community and than we will try to find out whather there is a contradiction. That is for the Tribunal.

BY IR. NEEDAM:

O.- You mentioned ir. Tuenther Schiller as one of the men in charge of the Skeda Wetgler matter before the Anschluss. Did not Haefliger inform you that Guenther Schiller told him, and I quote from Haefliger's affidavit Exhibit 108/4: "I was informed by Dr. Guenther Schiller that ir. Johan had not been willing in the past to part with the majority of these shares, but only with part of it."

A.- Is that Mr. Haefliger's effidavit which he signed in Murnberg?

25 Perch-Y-71-11-5-Sampson (Int. Ketz) Court No. VI, Case VI

A.- That he signed here in Nurnberg? I believe, Mr. Messen, that it wouldn't be any use to deal with that affidevit. I can tell you I did not read this affidevit. I considered it uninteresting. As can be seen from his file note, of April, 1936, he didn't speak to me at all at the time.

O.- Now, you testified yesterday that you approved of Newbacher's appointment to I.G. Ferban. You also testified that Maxi Party circles objected to his exployment. Can you very briefly tell us sky they objected?

THE PRESIDENT: Just a moment; just a moment.

Dr. HACKET: Excuse me. It has just been pointed out to me, Dr. Higner, that you are specifing so fast that your answers on the film strip over law the questions and that therefore we can't make a clear transcript.

Therefore, I should argo you strongly to speak more slowly in order to have a proper film record. Hake a pause after the question.

THE FRANCE Trank you, Comment.

TO THE HET TANK

N .- Do you recall my question or should I report it?

THE PRESIDENT: You had better report it, Counsel, and now, in. Promidnet, pause between the question so that we get the translation of the reception before you start in answering, places.

ha- Yos.

er in. istan:

O.- You testified yesterday that you approved of Haubacher's appointment to I.C. Ferbon. You also bestified that the Masi Party circles were opposed to his amployment. Can you very briefly tall us the mesons why Masi circles objected to his amployment?

A.- Nr. Prosident, I can ensuor this question in groat detail. If I may suggest to you, in our document book on Austria there is an official detailed letter of the party to Perben in which all these answers are given.

9661

Court No. VI, Case VI

THE PRESIDENT: Does that suffice, Counsel for the Prosecution? The inferminat has said he will submit an effidavit, or a document rather, that will be a complete ensuer to it. Are you satisfied with that ensuer?

HI. HE HAM: No, the facts of this affidavit which we already know does not asswer the question, but, I shall come to my next question.

THE PRESIDENT: Very well.

M IR. IN TAIL

".- You montioned a letter right now on Newbacher of the Mesi Foreign organization. This letter, I understand, is your Document No. 133, Book VIII, and it was addressed to Dr. Mugler. By question is, did Dr. Mugler report to you at the time how Newbacher had believed in Austria?

A.- Oh, now I renderstand your question. By deputy, Dr. Krueger, in 1937 repeatedly informed no that Dr. Moubacher, while he was a member of my office, had been repeatedly attacked from party circles in Borlin, and that he, Krueger, and a lot of trouble with fending off those attacks while Moubacher from party circles. That is my personal knowledge from 1937 that I have, and this letter that the foreign organization, the AO, sont to Parbon you are quite right, I saw this letter only in Murnberg here for the first time, but it shows very clearly, first the sharp attitude of the party against Mr. Membacher and it also shows how little I personally concerned sysulf with such political metters.

O.- Is it not a fact that Hembacher after the inschluss introduced you to Rafelsberger, the newly appointed Austrian State Commissar for Bos-newy?

- i. I stated that in great detail and very clearly yesterday on direct examination. I explained that very clearly because of our difficulty
 because of our friendly attitude towards the Jews. Mr. Newmann, we found
 it necessary to maintain those few relations and Mr. Newbacher was our
 only, one of our very few, relations in order to get rid of the commissars.
- 5. Did Rafelsberger become a Board member of the Justrian Creditanstalt?
- A. I took cognizance of that fact, since I myself became a member of the inflictment of the Cesterreichische Creditanstalt, when there was an exchange of one man of the Creditanstalt, and I came to their Aufsichtsrat and I was able to learn that during the war, I don't know from what time on, Mr. Refeleberger also appeared one day in the Aufsichtsrat of the Creditanstalt, but that is an affair of the Creditanstalt.
- Now, concerning your own membership on the Board of the Oreditanstalt, did you become a member on the initiative of Dr. Flachboeck, the nawly appointed Austrian Minister of Finance, and of Seyss-Inquardt?
- A. Mr. Newman, you have here touched upon a subject of which you stated at the time, during the Prosecution's case, that you had in the meantime found out that you were in error. If that is not true then I will answer the question more clearly.
- IR. How W: Mr. President; I am not going to argue with the defendant about what I said or did not say during the interrogation, but I think it is important that the defendant make statements here to this effect.

THE PRESIDENT: Well, that may be, but on the other hand if you did say that you were in error we assume that you will not take up the time of the Transmil in dring wheat a circumstance that is no longer in issue. We can't determine that how. You are entitled to have the question answered if you wish to stand on it, but if what the defendant says is true perhaps there may be no need to further discuss it.

MR. NEWMAN: I think my question can be answered by yes and no, and not by what the defendent seid.

"Schnitzler and Ilgner take it upon themselves to inform the competent

lam." End of muotation, Does that answer your question?

official agencies about the attitude of Forben about this particular prob-

Q. You testified yesterday that this document of Prager Verein at

9664

that time was owned or co-owned by the Czech Zivnostenska Bank,

.. No, I didn't say that. No, I did not say that.

THE PRESIDENT: That's an answer. Let it stand that way, Wait for another question.

- Q. (By Mr. Newman) Do you recall that Farben in October 1938 suggested to the R.M that the Czech Zivnostenka Bank be prevented from disposing of its share in the Prager Verein to interests other than German?
- ... I didn't understand you very well. Where is this supposed to have been found?
- 2. I didn't say that, but I asked you whether you recall that this is a fact?
 - A. No. I don't remember that.
- to you personally on the results of his preliminary discussions with Prager Verein?
 - in That's very easily possible,
- Q. Do you recall that when Proger Verein Finally yielded it tried to obtain for the Aussig and Felkensu plants other participations in industrial enterprises but that this request was rejected by Dr. Zineser?
- A. I don't understand very well what other project that is supposed to have been. Mr. Newman, if one conducts such discussions, many things are discussed. You have to be more precise.
- question is this: Did Preger Verein want to have another industrial participation when giving up Aussig and Falkengu?
- I cannot ensper this with any precision, but from my statements yesterday, I said that I. G. Ferben industry or the whole enterprise of Farben had invited the Prager Verein to participate to an extent of 40% in the newly incorporated Chemische Industrie in Bratislava, (Pressburg) the most modern chemical artificial fiber factory, which was a fact. That fact shows that this attitude was expressed it was complied with actually here.

9665

- I. Now, do you recall that Prager Verein wanted to keep a minority interest in the Aussig and Palkenau plant, but that this request was also turned down by Zinsser?
- A. No, I can't tell you that, for I personally had nothing to do with these negotiations.
- I. Now I submit NI-13542 which will become our Exhibit 2023, This is a letter written by you to defendent Krauch on November 3, 1938, it-teched to this letter which you sant to Krauch is correspondence between MAN and I. S. Ferben and also HAM and Dresdner Bank. Ind finelly, a file note on Director Zinsser's report to you of November A, 1938. I particularly refer to this file note, but have no questions now in connection with this lengthy document.

THE PRESIDENT: Now, now, just a moment, counsel. This Exhibit, a copy of this Exhibit, is about nine pages. You will help us; as well as counsel for the defense, if you will state now the purpose for which you offer this in the light of the testimony of the defendent. Very briefly, if you will, please.

Versin reacted, and that Farben was fully advised of this reaction appears from this document, and I particularly refer to the following parts. First, page 2 of the English mimorgraphed copy, the end of the second paragraph, page 3 of the mimorgraphed copy, which is a letter to the Dresdnor Bank, attention Zinsser, to the first and fourth paragraphs; and finally to page 5 of the buglish mimeographed copy, paragraph 4, and then the last paragraph numbers 3, 4 and 5 of this letter. Numbers 3, 4 and 5 of this letter. Aumbers 3, 4 and 5 of this letter. Aumbers 3, 4 and 5 of this letter. And the last document in this connection is a file note of November 4, 1938, beginning at page 6, and here I refer to numbers 1, 2 and 3.

THE WITNESS: May I ask somothing, Mr. Prosident?

THE PRESIDENT: Yes, surely you may do that. +

THE WITNESS: I wanted to know whether the part underlined in red, the file note of Mr. Kersten, is to be applied to me particularly.

MR. MEMM'M: Just a minute.

THE WITNESS: I am not quite clear what you mean that is supposed to be of special interest for me.

MR. NEWNIN: I have no other questions in connection with this docu-

BY IS. BEELLIE

- Now, Dr. Ilgner, in discussing the tone and spirit of the negotiations in which you participated with Preger Verein, you stated yesterday that it was gentlemanly cautious and polito as is customary in such negotiations. Now I ask you, is it customery in such negotiations where one party states that they shall undervor to cooperate so as to preserve friendly relations in the future, for the other party to reply that, I quote: "We agree with your statements on condition that you refrom from any actions directed against Garman accounty because in such a case you could not expect us not to make use of appropriate countermandures."
- A. I don't know what you are referring to, but I have a feeling of what you mean, I think I know what you mean. If this is supposed to be contained in any contract, which I don't know, then this phraseology remained me of what was customarily put into a contract in the Third Roich, which was sent abroad especially when official agencies were concerned with such contracts, but I cannot give you an exact enswer because I den't know. This is only a hypothesis of mine.
- This is a draft of Furben's letter to Prager Verein, of December 7, 1938, and for the record I would like to indicate that the letter which this Exhibit refers to has previously been introduced in swidence as Prosecution Exhibit 1467, NI-10724.
 - .. Unfortunately this contains no signatures.

MR. NEWL N: I have no further puestions,

IR. .. BRAN: Ers. Koufman of the Proscoution Staff will have some Curther questions on cross explanation.

IR. HANZE: Dr. Honzo. Mr. President in the German translation of the document that has just now been submitted, the handwritten note "irrit" which is in the copy, is missing. The copy that I just hoose at at the Secretary General's files, I don't know if the English test has a remark to the effect that this is a handwritten note stabing "irrit".

3. MELLE: It is a draft of a letter.

The Falling of Ours does. It says "translator" note, "handwritten" note, ireit.

C:083 LV. I. TIOT

BY DS. CAFLES:

- Er. Higher, you have the responsible department hand of NE/7, are you-not?
 - 4 255.
- Ten't it true that in 1936 you promised the Black of the Intelligence Department of the OAT that he would receive VOIT records from your ZEFI confidential agents and contact men abroad?
- towire in connection with the Fer East report to get a copy of this report and, if possible, to get similar papers and interesting reports in the future. Since I didn't concern myself with such details, I invited him to a lunch together with a few of my associates. It was a general conversation we had which was, however, decisively influenced by my clear statements made to dajor Block which he quite clearly unforstood to the effect that Farban which was the largest German export firm with a very delicate position abroad could not compresse itself with enything that had to do with the intelligence agencies. We discussed this question in the consercial committee after some meeting during a lunch, I believe, and we only had one policy in this respect.

- In. Handr, didn't you premise, however, to trensmit WOII
 - " No, because I never passed on such reports.

THE PHENDEN: Just a minute, please. Now you said "No" and primarily that would be sufficient. I mention the matter occause of this circumstance. It may be that in addition to saying "No", you think that it would be proper to make some explanation; perhaps as to matter you should make some further explanation, you may postpone it until you have thought the matter over and talked to your counsel and determine whether or not that "no" is sufficient.

BY JRS. M.DFRAN:

- Q In connection with this convergetion that you discussed with injer Bloch and your staff, didn't you at that time promise Dejor Bloch that visitors abroad that would came to see Farban, would be referred to him.
- A list in this form. During the lunch in the presence of Mr. Saxor,
 I provised him that the gentlemen mould respect his mishes. The entire
 multing was a non-cormittal conversation of a general nature so that
 I really con't tell you what actually, if at all, anything over became
 of this.
- "I show you document marked NI-14677 marked for identification only as Prosecution's Exhibit 2025 and ask you, Dr. Ilgner, whether of page 4 of this document which is a handwritten statement propered to you, you do not state "Major Bloch asked me whether my collaborators might not call it to his attention then seem of our lending gentlemen came to Germany for a vacation, he would be interested to tolk to some of them to which I agreed."
- . Do you meen the statement I mede where I said quite clearly a little further, "I don't know, however, whether Major Bloch"?
- Q I direct your attention to a particular paragraph and ask you, is this your language appearing in that paragraph, "Major Block asked me whether my collaborators might not call it to his attention when some

of our leading gentlemen come to German for a frontier, he would be interested to telk to some of them, to which I agreed."

a Yas, that is completely correct, but you have to read further, then it becomes clear.

THE PRESIDENT: Counsel, under the practice that this Tribunel has adopted, when a document is submitted to you, it is thereafter available to you, if after consultation you find other parts you went the Tribunal to take into consideration, you have that opportunity.

IN ITHISS: Thank you.

BY INS. RAUFLAN:

- Tou were friendly with Concret Thomas of the OK; ien't that correct?
- .. I had social controt with him, just an 7 had social controt with carry hundreds of people.
- Thank you. In fact, General Thomas sponsored your appointment as military account leader in 1938, ian't that so?
- . I become military occupacy loader at the suggestion of Dajor Thomas, that is correct.
- instructed your staff to cooperate with him in his trake and to make their files available for his use?
- a That isn't true, it might have been true if I had been present, then it would have been my duty to point out to my office, that is to say, to point out to my leading associates that they had to comply with the duties that the Absoluteouftragter had put to him by the outhorities, such as keeping matters secret and so on.
- Isn't it true, Dr. Ilgner, timt during the time that you were twey from active perticipation in the affairs of I.G. Farbon the seriod of your illness which you described to the Tribunal in 1939, you nevertheless continued to exercise our control over the activity of your personnel?
 - " No, that is an error.

I show you document marked NI-7982 which will become Prosecution's Delbit 2026.

THE PRESIDENT: Fardon me, would you repost the document number?

136. M.UFMAN: WI-7962.

THE PRESIDENT: Thank you.

BY BES. K.UFWAM:

This is a circular letter dated 20 April 1939, Dr. Ilgaer, which contains your signature as plant leader and deals with the questions of the various assignments to be undertaken by your department herds and their assistants effective as of May 1939. Will you look at this document and refresh your recollection as to whether you were concerned with the activities of your personnel during that period?

- a You expect me to ensur this, do you?
- That is right.
- In the Spring, it was customery with us to promote people, and as
 I have already stated yesterday on direct examination quite clearly,
 Suring the period from the 6th of September 1939 through the middle
 of 1940, I was requirerating from illness. That did not proclude,
 however, that I reticipated in these speciage as is shown from the
 Prosecution's excurants and the commercial committee meetings, after
 all, I was in Scriin, and it was a matter of course that if such a
 list of promotions is undertaken that people are promoted. Dr. Krueger
 save this list to me since he know that I concerned myself about the
 papels in my office, that, therefore, I signed this; that doesn't
 say, however, that I didn't start taking over the office in the
 middle of 1940.

4 Thank you, Dr. Ilgner. Now, I believe you testified that prior to January 1933 when the Mazis seized power you were stready on friendly terms with Malter Funk, the economic and press advisor to Mitler, is that right?

- A No, that is not correct. No, that is not correct. If you have talked to sembody twice very briefly in your life, then you can't say

that you are on friendly terms with him.

- . Dr. Ilgner, you testified that in 1932 you more contributing about 300 to 500 Reichszerk a month to Funk's office on behalf of Farban, and shortly after the Mazi science of power you were appointed by Funk to the circle of economic experts to advise Goobbels!

 Propagande Linistry, is that right?
- a as I have just stated, and as becomes apparent from my affidavit quite electly, I invited Mr. Funk twice to attend a lunch in the circle of Bruening's friends, together with Professor Woellendorf.

 During the second discussion Mr. Funk asked me for a lean and wanted to get a subsidy for his secretary in Schlachtensee of approximately 300 to 500 marks a menth. These contributions were stopped by my office is the end of 1932, that is to say, two menths before the accession to power. That Mr. Funk in the next year when he suggested to the circle of friends of the communists that those representatives of Farben abroad should also be called in, since he called in a representative of Siemens, Well-Syndikat, and Allians, that is a matter of course that has nothing to do with friendship.
 - A the more those payments to Funk stopped?
- A If somebody asks you for a loan, one doesn't ask very much. hir. Funk had a private office in Schlachtensco. He wanted to pay a secretary who cost about 300 to 500 marks. He didn't have that loney, and that is why he asked me for a loan. That was a small contribution.
- Funk because you learned that the defendant Sattineou had sade such errongements?
- A No, that isn't true, besides that, I must make a correction.

 Ly assistant, Guanther Schiller, from my office stepped those payments while I was in New York, and I erroneously was of the opinion that in. Cattingan's office was making similar contributions. I shall

owrect that in my efficient, for what I believed to be payments of in. Sattimeau, weren't really payments of him. That was a contribution of the press agency of Farben which they nade to an intelligence service which in. Funk was in charge of. That was business.

THE TRIBILET: Pardon me, Just before we recess, I think it proper to say to Counsel for the Defendants that there have been a number of documents offered as a part of Prosecution's cross examination of this infendant. These documents, at the suggestion of the Tribunal, have either been offered for a particular purpose, as indicated by the Prosecution, or certain parts of the documents have been called to the attention of the Tribunal. I mention that because it may simplify and expedite the consideration of these documents by Counsel for the Defendant or for Defendants insofar as the documents may be a proper, appropriate subject of further examination of this Defendant. The Pribunal hopes it will not have too much delay in you gentlemen furtiliarising yourself with these documents, and we may not have to postpone too long the further interrogation of the mitness, and we will afford you an opportunity and get your view on the subject before we call on you to interrogate the mitness further.

Tau Tpibural will now rise until 1:30.

(a recess ms taken until 1330 hours.)

AFTERNICON SESSION _

(The hearing reconvened at 1335 hours, 19 March 1948.)

THE M.REPAL: The Tribunal is again in session.

MAX IIGHER - Resumed

CROSS EXALINATION (Continued)

BY IES. KAUFFAN:

- © Dr. Ilgner, in connection with your activities or in Goobbels! circle of experts you concerned yourself with the United States, is that not true?
- a In the circle by reason of my experience and the knowledge that I thought that I had about the United States, I raised a warning voice against the methods of the Propaganda Linistry.
- United States in connection with the mativities of the Goebbels circle of experts?
- " I concerned myself with the United States in the sense in which I have expressed it in my previous answer.
- Not, isn't it a fact that before you called Toy Lee to Germany you were already a member of that circle?
 - " No. To the best of ay recollection, that is an error on your part.
 - W hon did you become a member of the "F" circle?
- I can't remember exactly any more, but it was certainly after the first of May 1933 because at that time I participated in the event of the first of May, and I know that I didn't know Goobbels yet at that time, and that that circle didn't exist as yet.

Q Do you know, as a matter of feet, that you were not a member of the circle at the time you wild PRY LeTto Germany?

a That is the best recoffection I have, that I was not a member at

Q You made reference to a May I date ... That year was that, Dr.

1933.

- 1 1933. Now you became president of the Mari Schurz Association after the Masi seizure of power, is that not true?
 - a That is guite correct.
- Q and isn't it also true that one of the first tasks performed by the Marl Schurz Association under your leadership was the carrying out of the projects proposed by Tvy Leu?
- A No, one can't say that. The Karl Schurg Association continued its work as it had done in the previous years, but that was a duty that was aided, just as some other things were added.
- Q Dian't you work closely with the Foreign Office and the Propadan-Se Linistry in connection with your Karl Schurz activities?
- a That isn't right.
- Q Suit connection did you have with the Foreign Office and the Fropegands Maistry in connection with Merl Schurz activities?
- In connection with the Neril Schurz Association activity, I had no contact with the Foreign Ministry and the Propaganda Ministry as obsirates, but since at a later time I was a member of the "F" circle until the 30th of June 1934, I had sufficient opportunity to get in touch with the Propaganda Ministry and since I further concerned myself with export questions and foreign trade questions in Farbon, I had from the years before 1933 current contact especially with the scenamic department of the Foreign Office. If you meen those contacts, then I can ensure your question.
- The Propaganda Limistry and the Foreign Office in connection with your activities in the Marl Schurg Association?
- Then we have got to study the details, if you are interested in that enswer. On direct examination I related that because of the introduction or the non-introduction of the Arier paragraph the paragraph about Aryans in the by-laws of the Karl Schurz Association, I had a personal conversation with Goobbels in order to avoid this introduction. That was, for instance, the centact with the Propaganda

Limistry in connection with the Association Marl Schurz. I can't tell you details from memory, but perhaps you can tell me what you have in mind.

Q Now, is it true that the Kerl Schurz Association received an august subsidy of 30,000 Releasure's from the Fereign Office?

" I can't tell you that. I don't believe so. In the association Merl Schurz we had something that I consider my special merit, namely, we had made ourselves financially independent. From my economic copertment I had a list proposed about all those firms and benks in Germany that had any business relations with the United States, and I told my business associates that it would be important that in our current budget we should be finencially independent so as not to become dependent on official agencies and in particular to be dependent in the Proposerda Ministry. If I remember correctly, our current budget execuded 200,000 marks and we raised this money from occammists circles. It is possible, I didn't concern myself with those details so much, it is possible that in connection with certain awants, for instance, at the occasion of the Olympic Games when we were asked by the constittee of the Olympic Games to take case of the american delegation in Germany, that was a very large delegation, and their feeding and housing cost a lot of monoy. I think that we might have said that "If you mant us to take care of this delogation, than you will have to pay for it." It may be that during the trip when we had an opportunity to comply with such desires, for instance, " to wanted to inspect impustrici plants", the propaganda coundil said, for instance, "Let those possic look at certain plants", and we were officient businessmen in that connection. We said, "Please, if you have certain desires, you have got to pay for your requests." I can't answer your question clearly and definitely, but my enswer is that I consider it quite likely.

Q Dr. Ilgner, I show you a document marked NI-14315, which will become Prosecution's Exhibit 2027, and I ask you, this is a document 9676

thich is a letter from Dicemboff of the Foreign Office to you in roply to your solicitation of the Foreign Office for a continuation of the continual subsidy of 30,000 Reichsmarks which the Foreign Office had granted the proceeding year, and ask you, does it refresh your recollections that the Foreign Office again granted you that subsidy?

- a lay I ask you whother you expect so to answer this now or this movement you asked so a question just now.
- Flores answer by question, Doctor.
- . I should be grateful to you if I were permitted to read this document first, Mr. President.

THE FRISIDENT: You may do that.

- 4. May I ask you -- You have a document marked NI 14315. I bliave that is an error. The document should be NI 14314. However aving read that document I will ask a question in connection with it, Dr. Ilguar, so you didn't waste your time. I would like to first, however ---
 - .. I haven't read it is yet. I haven't finished reading it as yet.
- 1. May I make a correction in the record. I would like to offer the document marked NI 14314 as Proscoution's Exhibit 2027.

THE PRESIDENT: Very well.

133. KAUFLANN And distribute that decument.

THE FRESIDETT: That may be done.

AT 35. KAFFAIN:

O. Dr. Ilgner, I would like to interrupt you to please read the document that is being presented to you now.

THE FRESIDENT: You need not weste any more time on the document you had, Dr. Higner, because it has been mitherens. If you will please read the document MI 1/31/4 which is non prosecution's Exhibit 2027.

- A. Yos, I know this. I now remember this letter.
- G. Mould you tell the Triburel Chather it refreshes your recollection that you received a continuation of the annual subsidy of thirty thousand Relaborate from the Foreign Office.
- A. That is quite correct. That is the very same thing that I said before and the document that you withdrew, but which has senothing to do. with this, speaks of the Olympic reception committee.
 - 1. I will put questions to you concerning the next document.

PME PRESIDENT: Just a memorit. Lot's not anticipate trouble here
more. There is no other decument except NI 14314, Presecution's Exhibit
2027, before you. Will you please treat the other one as confidential for
the time being, Doctor.

J. I believe the ensurer to the last question has been unde. Will you not read, Dr. Ilgaer, this document which is marked NI 14315 which

un some questions concerning that.

- A. You are non referring to 14315?
- . That is correct.
- A. Yos.
- Alaboratrop's staff you used the Carl Schurz Association as an instrumentality to contact impricans who were important politically for the purpose of solling them the virtues of the Mazi government. I draw your attention particularly to the file mane dated 21 July 1936.
 - A. are you finished with your question?
 - Q. My question is put.
- A. Yos, I can answer that very clearly. It was just the other way around. That can be seen from the document very clearly. These efficiely agencies wanted to profile from us. They wanted us to introduce our friends who visited us, with what we had relations, to them, and I have already, in direct examination, said that during the later years the Foreign Office and the Propagaids idmistry delegated certain people to participate in the working committee conferences of the Garl Schurs Association. Ribbentrop later became identical with the Foreign Office and that is the story that I told you about here.
- Now, Dr. Higher, isn't it also true that you agreed to work with the Fereign Office on grotty much the same question — that is to submit your contacts to the Consulates in imerica located in the United States, because work could be done more effectively with less suspicion than tork directly through the Carl Schurz Association. In June 1936, before Ribbentrop was a member of the Foreign Office — was the Foreign Office.
- A. The request of the authorities, the desire of the Foreign Office to be infermed about the activities of the Carl Schurz Association was not made dependent on the date on which Mr. Ribbentrop became the Foreign Kinister. I just mentioned his name in connection with the foreign Office just now. But your question just now —— I'm sorry, I

9660

- O. Page five of the original document, item mum or five probably from towards the end of the page. It's the second paragraph of that
- from your document. This is all connected together. It can't be term from the context. This is a file note from the business management. It can be arready serve to refresh my memory because I never read it. At any that I can't remember ever to have read it.
- . You have just stated it does not refresh your res, Wiestian, is

THE PRESIDENT: He said it larmly did. Give him an opportunity to

The entire trans of that was going on around that time, the lastices of the efficial agencies, now comes again into my memory as to the essential contents. I can give you a sufficiently clear answer for that reason. I quote. "On the other hand he considered a strict apparation accessary to the entent that the Vereinigung Carl Schurs should concentrate itself on Corneny and the Carl Schurs Memorial Tourstation should confine itself to the United States." And at another place, I quote: "This would take the Vereinigung Carl Schurs get into a certain suspicion of arking propagands, and for that reason they should confine transcives to for any." In regard to your question about the consulator, the connection, inspican professors and students and other persons frequently visited us in Germany, and we kept a current correspondence with those people. To be sere

pacple. New, what you have asked about the consulates, there has been some mention under shout the corresponding mambers, and in this case equin Mr. Deitner, one is under discussion here, from the Foreign Office, was of the opinion that in order to avoid even the least suspicion of any propaganda activity in America, that it would seem inexpedient that the Verbinigung Carl Schurz should take up contact with our corresponding members. He recommended to us to give us the names of those correspondents —

THE AFSIDAT: Just a moment.

The contents of this decement or whether you are interpreting to your nwn recollections.

a It's black and white on the document.

THE PRETENT: Will you plouse repeat your question. I am not sure that I know the limitations on it symulf and then we will see if he answered or not.

Are you now discussing your recollections, Dr. Ilgner, which were refreshed by this document, or one you merely interpreting the document for the Court.

A I am quoting from your document. Then you can see that I am not interpreting but that I am quoting from the document.

THE FRENCHT: Let's wait for one more question. Ask your next question, counsel.

BY MIS. Z.UTJAMI:

Now, Dr. Himer, you just tostified that you had never seen this mean. I show you document marked MI-11634 which will be Prosecution's lachibit 2030, and ask you, does this document not contain a jetailed reply to the memo discussed by Dr. Draeger which you have now examined? I direct your particularly to page 4 of the original document.

- a First of all I want to tell you what you have felsely repeated what I said. Is aid before that I couldn't remember ever to have read this file note since normally I didn't concern myself with such details. The letter that you are now passing to me is written by Mr. Der Ease my business manager it's drafted by his and, of course, if I read it through I shall remember the details again. However I don't know what particular questions you want to ask me in regard to this document.
- Is time document dated h July 1936 in your possession now?
 - a Tes, I have got it.
- Q fust one quastion in connection with this document. It bears your strature, is that correct?
- h for, yes, I told you. It's a letter which Hr. Der Hass drafted and which I signed.
- itum five of that document, and I ask you, does it state --
 - A Just & noment please .. Point five is on page five.
- is right according to my opinion and we shall follow it if it has not yet been done."
 - A West or you want to knew new?
 - Ta that whet that letter states?

THE THEFILENE: Counsel, it's not necessary for him to answer that. BY MRS. NAMED TO

- O Foos that refresh your recollection that you agreed to the proposal suggested in the previous document?
- A fee, with the suggestion that I wanted to quote here but that I wasn't able to express quite clearly.
- Load of the United States was a frequent guest of the Carl Schurz Association and was kindly disposed towards the Carl Schurz Association, is that so?

A fes, that is my opinion.

I Now, Dr. Ilgner, isn't it true that you complained that Dr. Endd ome unfriendly to the Carl Schurz Association?

a I never experienced any friendship in which there wasn't sometimes a mo difficulty. It's quite possible that this friendship suffered
sense difficulties. I cannot recall details, perhaps you can refresh
my manary.

I show you incoment marked M-16686 which will be Prosecution's Exhibit 2031. I should like to correct the record, if it please the Tricumel. I'd like to offer this document in evidence to establish the fact that the defendant Higher did complain that Dr. Bodd's attitude towards the Carl Schurz Association was unfriendly.

THE PRESENT: and you do not desire to interrogate the witness on the subject?

ists. Ziveralin: No.

THE PERSONNEL VERY Woll.

That is ar. Bodd's book that was published in Switzerland, isn't that right? Isn't that the book that Mr. Dodd's children published after the coath of their father?

G Er. Elgner, this is Dodd's diary, published in 1941 and I have no quantions to direct to you concerning that diary.

The FRESHERY: Now defendant, the prosecution has said that it has no questions to ask you. Just please bear in mind new if there is anything in that that is proper for you to testify about, your own counsel will interregate you.

BY SES. EAUFPANN:

L Did 1 understand you correctly, Dr. Higner, to state in your testiment that the eatherities did not consider the boosting of experts escutual to the Four Year Plan?

A Lo, a never soid that. On the contrary. You must have misunderstood that.

- It's your testimony that they did consider the promotion?
- a No, that is not true wither. I told you that we were consequently inconsequent. That there were various times — during certain times export was stressed and other times exports were not stressed.
- Firein regarded the boosting of experts in connection with the execution of the Four Year Plan as having priority over everything else --
- A Tes, that was before the introduction of the Four Year Plan, hemover.
 - 9 Not August 1939 was before the introduction of the Four Your Plan.
 - A You said 1936 just now, didn't you?
 - I am sorry. I intunded to put the question as August 1937.
- A In August 1937 we had just hed the International Congress of the Chamber of Commerce, and there we had strongly taken the point of view that the fluctuation to the lower level should be raised because Mr. Giving considered export as superfluence and this opinion was to be counteracted and I explained that very such in detail on the stand here.

19 Mar 48-4-MB-18-1-Primeau (Int. Katz) Court No. VI, case No. VI. the wishes of the Auslands organization? repett it all once more.

Q Now, is it a fact that on your trip to South America in 1936 you instructed your representatives abroad to conform to

A No. You can't say that in that form. I made datailed statements about that on direct examination. If you desire, I will

Q You have referred to your previous examination. That is satisfactory. Dr. Ilgner, was it your idea to select among nationals of the industrially backward countries those of German descent to train them for your industriclisation program in those countries so as to bring about a regeneration of the type in the environment of a Garman community to creat; the required and loyal Attitude towards Germany?

A That is a question that has been put very complicatedly about a simple subject. I didn't invent that idea. That would be too presumptive of me. It was a much older idea but I took up the idea that in those countries in which national tendencies were amphasized - for instance, where it was asked that only members of the perticular country be employed in certain enterprises -- in those countries I held the idea that those nationals of those countries that had any relationship with Germany should be given a certain amount of training. It is quite normal in the course of business to exchange personnel and to train them mutually.

Q My question was put to your was it your intention to train these people to create the required and loyal attitude towards Germany.

A Excuse me. The way you have put your question it is impossible to enswer it. The task was to train people who conducted themselves decently towards our enterprise and to Germany. I expect avery amployee to be loyal to my enterprise. There is nothing special about this.

MRS. KAUFMAN: The Prosecution will offer Document NI-14517 -

it is Exhibit 2032 — to establish the fact that the defendant Ilgaer supported the program described in the question. This document is an excerpt from a report on Dr. Digner's Latin American trip.

Q You testified, Dr. Ilgher, that you were in charge of the mobilization for I.G. as to commercial metters as distinguished from the technical matters which were the jurisdiction of the Vernittlungsstelle W. Is that correct?

- A No, that is not correct. I didn't say it, sither.
- Q May I now show you, document marked NI-5619?
- A May I also get a copy of that document, please?
- Q May I show you document marked NI-5619 which is Prosecution's Exhibit 2055? This is minutes of the Communical Committee dated 2 January 1938 and I direct your attention particularly to item 6, called "Mahilization Projects." Does that refresh your recollection, Dr. Figner, that you were placed in charge of mobilization for the commercial questions?
 - A May I first be parmitted to read this document, please?
 THE FRESIDENT: You may do that.
 - W Plans : look at It in 6 of that document.

THE FRESIDENT: Coursel, while the defendant is looking at the document I must remind you, so that you know how to plan your cross examination, that you have approximately 45 minutes left.

MES. KAUFMAN: Thank you.

- A Yes, I have read it. What was your question, please?
- Q Does that refrash your recollection that you were placed in charge of mobilization questions for the Commercial Committee at that time?
- A No, that doesn't refresh my memory because what is written in this document I knew before you showed it to me; but your question is based on wrong presumptions. The Commercial Committee was alone competent for M questions and I am here only

9687

reporting about a conversation with Dr. ter Mear about the political according department inferben where certain difficulties had arisen about which documents had been submitted and since --

THE PRESIDENT: Now, just a moment. You have said, Dr. Ilgnar, that it does not refresh your recollection as to the matter inquired about and that is a complete enswer. It is not necessary to elaborate about it unless your counsel can properly go into it.

Q Dr. Ilgner, you wrote that article on Newbocher oppearing in the May 1939 issue of "VonWerk Zu Werk" in which it was said that the annexation of Austria was the crowning of the eternal Jarman dream and a definite return of Austria to the German Reich. Is that correct?

A No. That is not right, The article was written by the chief of the press agency "Mario Passarga."

Q May I show you document marked NI-14676, which is marked for identification only, as Exhibit 2034; and I direct your ottention to page 15 of that document, itsm marked "II," subdivision "2", and I ask your does it not state in this document which is a statement prepared by you?

A May I ask you - what document are you specking about, please?

THE PRESIDENT: NI-14676.

A Thunk you very much, Mr. President.

Q Now, at page 13 of that document, Dr. Ilgner, does that .
refresh your recollection that you --

A #15# -- is that right?

THE PRESIDENT: "13."

Q Page 13, Dr. Ilgner, Roman numeral "II," item "2."

Does that refresh your recollection that you wrote this article?

DR. NATH: Excuse me. I did not receive a copy of this document and I can't follow the proceedings.

MRS. KAUFMAN: This document is marked.

A Mr. President, I can answer very clearly,

THE PRESIDENT: Just a moment. Lat's get this record shraight. This is a different situation than ordinarily. This is comment is not offered in evidence. The Tribunal does not expect to see it on this date of the record after the question is answered; the Presocution will be expected to put the document in the files where defense counsel are entitled to see it. The question is just simply as to whether or not this does or does not refresh your recollection as to the fact inquired about it. I've can answer it "yes" or "no" and that is the end of the inquiry and the end of our amount in the document unless it becomes important afterwards.

Con you amount "yes" or "no" to that question, whether that does not refresh your recollection that you wrote the article referred to?

Does it or does it not?

tances? This is a statement of mine dated May 1945 which I wrote from namery containing 40 pages and it reminds me now that at that time I had a poor recollection.

THE PRESIDENT: That is an answer and that is the end of the document and the document will be made available for counsel in the files of the Secretary.

The ware present at that meeting of the Commercial Committee which to k place on March 11, 1935 when the news concerning Austria and the discussion of the short rush into Czechoslovekia took place. Is that not so, Dr. Hgner?

THE PRESIDENT: I think you were talking - just a moment I think you were talking into your briefcase instead of your "mike."
You batter get it into the record.

A Excuse ma; I beg your pardon. That was a meeting of the Commercial Committee.

THE PRESIDENT: The question is: D ctor, were you present.

A Yas, I was present at that merting.

Q Now, Dr. Ilgner, isn't it true that in April 1938 you took curtain steps to strengthen the Sudeten German press?

A I can't recall that, but we supported newspapers freqcantly. It might be quite possible that we gave support to Sudeten General papers by giving them advertisements or making mometary contributions. That is an affair for the Press Office, it may be; I don't know any more. A I show you Document MI-6072 which becomes Prosecution's Exhibit 2035 and ask you to please look at Item 8a of this document to see if it refreshes your recollection that you proposed that the Sudeten German press be called upon in increased measures for publicity.

A Yes. That is the very thing I just stated. This was in connection—
THE FRESIDENT: Just a moment. You answered the question and you
can amplify it asmich as is proper when your own counsel questions you,
Doctor.

Q Do you recall, Dr. Ilymer, that that was one of the measures proposed at the May conference on 17 May 1936 in Berlin Northwest/7 concerning Czeckoslovakia which was introduced asProsecution's Exhibit 833 and which was subsequently approved by the Commercial Committee held on the 24th of May?

A Yes, I remember that I have read this document, of which you speak here, in Nurnberg and I assume that that was also reported to the Commercial Committee in that connection. You are quite right.

O Now, Dr. Ilgner, wasn't it about that time that you proposed to lir. Missaecker of the Foreign Office your plan to influence members in the International Chamber of Domm.roe in the German interest?

A I am sorry. You would have to assist my memory somewhat. I can't remember it.

? I show you document marked NU-1555 which becomes Prosecution's Exhibit 2035 and ask you: does that refresh your recollection that you proposed a plan to Weizsaecker to influence the members of the International Chamber of Commerce in the German interest?

A May I read it, please? No, that does not refresh my memory at all because this short document doesn't permit one to see anything. This is a memo of the Foreign Office, this is a short conversation that I apparently had with Mr. Weizsaecker. I am sorry I can't tell you anything. There is nothing in this document at all.

I Do you recall, Dr. Ilgner, that the plan referred to in the document you have just read was the plan for the 1938 Kieler Woche concerning

A If that was so, I don't know; but if it did refer to the Misler Woche, my attention was, as I have explained on direct examination, to stop the criticism against German foreign trade methods by talking to an expert on foreign trade questions so that we might explain to them that these foreign trade measures of Germany were necessary for economic considerations; but I have treated that subject to such an extent that I don't think you need to get any further answers from me here.

S.

I Now, may I also ask you, Dr. Ilgner; wasn't it true that you intended to utilize the informal character of this Kieler Woche meeting to promote in an inconspicuous way a better understanding of Germany's sconomic measures?

A Certainly - quite alearly.

Q Did you discuss this plan with the German authorities and with Goaring?

A Not with Goering. I didn't even know Goering, but I talked about it with Schacht and I told you about that very much in detail.

offers a group of industrial and economic leaders of Southeast Turope sponsored by the Mittelguropaeische Wirtschaftstag. You introduced excerpts from that speech in your document book VIII, marked Document 129. Is it your testimony that your policies in Southeast Europe were in conflict with the policies of the Masi government?

A Not all of our policies; I wasn't only getting into trouble but we had wany troubles.

Q Is it a fact, Dr. Ilgner, that you told the representatives who listened to you at this Southeast European meeting that your program was an implementation of Germany's foreign policies as it was expressed at that time in September of 1940?

A I don't know what you mean. I am supposed to have said that my speech was an implementation of German foreign policy? Is that what you mean?

Q by question is: did you in your speech tell the representatives of the Southeast European countries who listened to you that your program, as it was expounded in that speech was an implementation of Germany's Poreign policy as it was expressed at that time?

A First of all, I have to correct you. I didn't speak to representatives of the Southeastern European countries but I talked to the German members of the Mitteleuropaeische Wirtschaftstag and I believe we had only two honorary guests. One of them was the Bulgarian Minister of Commerce, Wis Excellency European, who was sitting next to my colleague Pajlmoski at the time; and the second guest was a Rungarian gentleman whom I don't recell — but I don't understand your question.

without putting any questions to the witness, to establish the fact that this comment was contained in his speech, as Prosecution Dehibit 2037.

of Dr. Jigner, is it a fact that earlier in the year, one or two months prior to September 1960, you had been put in charge of I. G. Farben's plans for the "New Order" in Southeast Europe?

A I don't know what you mean. I don't understand you. Farben plans in Joutheastern Turope and a "New Order"?

Correct.

A Well, you will have to show me something. The business policy of Farben in Southeastern Durope was not influenced at all by the New Order. Our business policy was very old.

Q Then your answer is "no" to that question. Is that right, Dr. Ilgner?

A The way you have put the question, I have to answer with "no".

Prosecution's Emilit 818 in connection with that question?

Isn't it true also, Dr. Ikmer, that Parben, together with the itteleuropaeische Firtschaftstag, also in August of 1940 sponsored a training program for young businessmen of the Southeast so that they could be trained to serve the interests of Germany? "ould you please put your answer on the record?

A Yes, but not for the business interests of Germany but for the particular business interests of I. O. Parben.

Q You know at that time, did you not, that the New Order of Europe was a plan for the domination of European economy by Germany?

A This New Order didn't have the significance to us as it has to the Prosecution. This plan didn't interest us for our business policy at all. It am' rate, in regard to the Southeastern area, it certainly did not influence the policy in the least.

Q Dr. Ilgner, you know at that time, did you not, that the exploitation of the raw material supply of Southeast Europe was essential to Germany's war plans? This is in September of 1940.

A I am one of the best known and most recognized opponents of such tendencies, as opposed to the Bazi government. The fact that there were certain agencies in the Third Reich that manted that, I know.

O You know that, Dr. Ilgner. Did you know, Dr. Ilgner, that the German authorities planned that propagands be carried out by German industry so that to this end, and beneath the modest clock of private publicity, accessment also be obtained to these circles abroad which are less easily reached by official propaganda?

THE PRESIDENT: Counsel, that question is improper unless you are quoting comething that he may have said in which event it might be proper to ask him if the did say it. In other words, the question has many angles to it that it is just confusing. Now, if you are quoting him, that is entirely proper — and asking him if he did say it.

IPS. KAUPIGN: I am quoting from a document, your Honor, and my question is: did he hear that — did he know and learned that German 9694

authorities planned that propaganda plans carried out by German industry.

IND PRESIDENT: That doesn't answer the question; that is hardly a question in that form. Now, if somebody said that in a letter, if he said that in a speech or it was in some document that presumably he saw, you may ask him if he saw that. I don't care about the form of the question, but if it is just a question itself it is too complicated.

PPS. KAUFMAN: Thank you.

The you recall attending a meeting of the Commercial Committee where the proposal wasdiscussed that — and I am quoting the proposals:

"German economic propaganda abroad doesn't satisfy the present requirements of total warfare and is, therefore, not capable of influencing public opinion. Since propaganda is to be considered an important weapon, every available means must be employed in order to prepare a way for the idea of a common European destiny and a common European economic territory.

Emphasis must be laid here on economic scientific and technical achievement of the world famous forman industry to this end beneath a modest clock of publicity. Acress must also be contained to those circles abroad which are less eacily reached by official propaganda.

THE TRESPONDED OF The Theor, the question is: do you remember attending a commercial meeting in which the matter quoted was discussed?

A lir. President if this is read to me in such a manner, I can only say that I don't remember it.

THE PRESIDENT: That is sufficient answer.

A Is this a record of the Commercial Committee or is this a quotation from some other document?

Q You have answered the question.

MRS. MAUFMAN: Do you recall, Dr. Ilgner, that the Commercial Committee the meeting at which this was discussed, agreed to take the necessary ection?

THE PRESIDENT Now he has not said that he remembers. You say, "at which this matter was discussed," and he says he has not recollection of it being discussed.

MES. MANUFAM: May I introduce Document MI 1439 as Prosecution's Exhibit 038, and Document MI 10568 as Prosecution's Exhibit 2039, to establish the facts discussed in the last question?

Q You testified that the report of the Verbindungsmaenner were normal business reports, and contained no military or intelligence information. I call your attention to the following portions of the Verbindungsmaenner resorts which have been introduced as Prosecution's Exhibit 906, and I quote:

"The Inte -American Defense Commission set up in Washington has been informed by the Forthern American authorities that the United States are willing to sem the vessels of all American countries with guns.

Simultaneously, it was recommended to the Commission that steps be taken for the uniform financing of the entire traffic of the American countries".

And them I direct your attents n to Prosecuti n's Exhibit 907, another xcorpt from a Verbindungamaenner report which status:

"Argentine representatives also participated in the Inter-American
Defense Conference in Mashinston; as regards the first secret meeting of
this Conference, it is known that one of the matters dealt with was the
protection of navigation in the Inter-American traffic by the convoy system,
and other protective measures, and in this connection, the Argentine
Covernment on another occasion expressly declared that it was not in
favor of Argentine ships taking part in these convoys."

Now my question to you, Dr. Ilgner, do you recall having read these comments in the Verbindungsmachner reports?

A You made a number of assertions and questions. Your first assertion that I allowedly said on direct examination that the reports of 9696

the I.G. Farbon limison men nov r contained any intelligence information, is incorrect. I did not say that in direct examination. I did say on direct examination that our Farbon Varbindungsmeennor never received any instructions to report about military things. That is to say, a chapter on the military effairs in the report, as contended by the Proscoution.

I said further that in connection with the powder project in Argon-'inc and Brazil, those were projects omenating from the General Staff of those countries

THE PREST EAT: How lot no take advantage of the yellow light, Doctor, to runind you, you are asked a civil question of whether or not you have ary memory now, - any recollection of having read this quotation that was contained in Counsel's question. Do you or don't you remember of having "ead it. Do you have any memory of reading it?

THE WILLIES: No. Mr. President, I do not renember. There were meny such reports.

That is an enewer. BY MRS. KAUFAARI

Q You you discussed your attitude towards the program of the Jayl Party, and I hope I understood you correctly this time, Dr. Ilenor. Is it true that you stated, --

THE PRESIDENT: Set the lady finish her question, and then we will hear you.

TR. MATE: We have looked for this document presembly discussed in the Presenttion's Book. It was called 906. - Exhibit 906. We cannot find it in our document book. Porhaps there is some mistake about this mundar.

MS. KANTIAE: May we look into this question at a later date and carrect the state of the record if necessary?

THE PRESIDENT: Take it up with some of the other counsel for the Prosecution and see if they can help you find your Document.

I may say on that subject, the document you marked as Your Exhibit

9697

2038 was not handed to us. We have got 2039, but we did not get the one identified as 2038.

BY TES. KAUFMAN:

Q You testified concerning your attitude toward the program of the Mari party. Did I understand you correctly when you stated, "Except for some minor point of the programs, such as Old Age Funds, Maintenance of a Sound Middle Class, Positive Christianity, and one or two others, you were opposed to the principles set forth in the Party program? In that

A No. In the contrary, I said that I had seen a few points in the program that seemed, or that sounded reasonable, and I said furthermore, that a number of points were contained in the program to which I was your strangly appeard.

Q Dr. Ilmer, do you recall ever having made the statement saying: "Boforo I stop I want to make a remark. I am not going to add my name to the list of those who say today, 'Ihave been always anti-Mazi'. I know today, that by my cooperation, for what remaon seever, I have helped also do my port, like most business men in Cormany, the Mational Socialist Toversment to go shead. When the Mational Socialists overtook the Government in 1933, after we had mure than 30 parties in the Reichstag, in the years before and ofter all of the ettempts of leading business men and commonists, in which I took a very notive part to give assistance to the Bruening Covernment, were a failure; on account of the inter_political situation in Sommuy, I had at least a certain hope that the National Accialists would have a chance to bring things in order, even when I said in a conversation in the fall of 1932, in the National City Bank of Mey York, to Mr. Pordon Ronnssacler, that the National Socialism was not right at all, and that even though I never voted for the National Socialist Party, I was convinced in the year 1933 that this was the only chance left to us, and that we had to try it".

THE P. ISIDER: The question is, do you remember ever having said that?

19 March 1948 AMSD 20821 4 Stowart (Katz)

A Tos, that is one of the statements that were made at the penitent-

THE PRESIDENT: That is an answer to the question.

MES. ELUTHAN: Mr. Anchen will conclude the rest of the examination.

I have in mind, if Your Honor please, 10 or 15 minutes, and that will conclude the entire Prosecution's cross_examination. I think I might say we estimated three hours and we are 15 minutes short of three hours.

THE PRESIDENT: There is a matter of five minutes difference between your ideas and the Court's, but you go shead.

BY MR. ACCUANT:

Q Dr. Ilgner, did you ever discuss with Dr. Krauch your program or activities in Southeastern Europe?

A Professor Erauch was the Chairman of the Aufsichstrat of Farben, and even if he concerned himself very little with Farben, and later not at all any more, then he could still very much likely have said that, since he was in Berlin, that after all I should inform him briefly, perhaps twice a year or once a year —

"Yes" that you ever discussed that with Dr. Krauch, Maybe you want.

to say, "Yes". Maybe "No". It may be that you do not remember. Now
take your choice of the three answers and let's get along.

A Yes, but I did not discuse it with him, but I told him about it.
THE PRESIDENT: That is a good answer.
BY UR. ANCHAR:

- Q Did you ever discuss with him, synthetic gasoline and mineral oil in southeastern Europe?
 - A To the best of my recollection, no.
- Q You testified that in 1945, you were interrogated by the Army suthorities at Frankfurt and made about 150 statements, and that the Euroberg afficavits are essentially a consolidation of your Frankfurt statements.

Is that correct?

A To, I was not interrogated in Frankfurt by authorities of the American Army, but by the Bernstein Committee, from the Department of Justice.

W. That is Colonel Bernstein of the United States Army that you are referring to: isn't that correct?

A I did not have the fortune to make his personal acquaintance.

Where you informed that that was Colonel Bernstein of the United States Army?

A Co, I learned that at a later time.

Q now you tostified that after your numbers affidavits, you had inhibitions against usking changes. Now what kind of inhibitions are you referring to?

A During the first official interrogation in Surnberg, epaducted by Mr. Sprecher personally, in which Mr. Sprecher was sided by Miss Belle Mayor, Otto Verber and a court reporter participating, Mr. Sprecher told me in a very decided manner, and he confronted so with a statement that I had made an attempt to influence my colleagues not to tell the truth; to conceal certain things, and he made sense other statements.

This interpolation was conducted in English against my will, so that I was given the impression that the reliability of my previous statements was also to be doubted, and that if I new started to correct my provious statements, that that would corroborate the assertion of the Prosecution that I was unreliable. I as not told I was committing perjury, as my colleague wen Schmitzler was told, but the tone of the statements was the same. These were the inhibitions that I had.

THE MARSHAL: The Tribunel is again in session.

that you discussed, in which you stated you had inhibitions about making changes, I ask you: Is it not a fact that in that interrogation Mr. Spreacher asked you to please make your enswers direct and responsive and not engage in extended speeches? Did he not ask you to do that?

A Mr. Anchan, I did not have the intention — and you have heard that in the direct examination — to go into this first interrogation here in Nurnberg in so such detail. I had believed that I had expressed myself sufficiently clear to be understood, and nevertheless to be recticent in making my statements. That was my intention. But, after you now insist and cak me for details I must now tell you — and since I am now on the stand and since I cannot keep anything back, I must answer you that this thing was different.

Q Would you please answer the question I put to you, whether what I stated was the fact or not?

A No, in this respect it does not correspond to the facts. It was different.

Whow, Dr. Higher, is it not a fact that with respect to your efficienties, typewritten copies were given to you, an emportunity afforded you to make chances? And is it not a fact that you did receive these typewritten copies of the prop sed affidavits and you did make changes extensively in your own handwriting; Is that not se?

A I do not understand you. Do you mean the statements from 19457

& How, I show you -

THE PRESIDE T: If you went an answer to that question you had bottor indicate the time.

I am talking about your statements in Nurnberg and the affidavits made by the office of Chief of Counsel for War Crimes, and the question is: Is it not a fact that you first wrote out in longhand, in your own handwriting, the drafts of the statements from which the affidavits were

leter made, and in other cases after your interrogations you were given appreciated copies of drafts of affidavits and you were given an opportunity to make changes and corrections? And did you not in fact make extensive changes on those drafts in your own handwriting?

Could you enswer that you or no, please?

A Mo, I shall not answer this with yes or no. Yesterday, in my direct examination I said that four of the affidavits which were introduced were given to me for my signature while I was sick in the City Hospital of surnourg. I made a lot of changes in those affidavits.

Furthermore, on a holiday on the lat of May unexpectedly Mr. Verber applied in the City Hospital while my daughter from Munich was visiting to, and he gove me those affidavits for aignature. He took away my whole time which I had with my daughter. She left without having spoken to me. And Mr. Verber know that my Caughter was there, and I tried to get through as quickly as possible. And if you look at these affidavits you will see all those handwritten corrections. And what I said in my direct examination refers to those affidavits. And you will get my supplementary affidavits.

Q Now, I'm going to give you a scrice of documents and I will identify them for you, and then just wait for my question.

First, I am giving you a photostat, 17 - Fig. that is already in a widence as Presocution Exhibit 377. Along with that I am giving you a decument which is being identified as HI_6544-A.

Yow, if Your Somers places, this series of decuments with an "A"

I intend to introduce for indentification only.

Is that decument in your own handwriting? Just tell me yes or no.

A Yes, this is absolutely correct.

THE PRESIDENT: Just a moment. Now, that question is answered. Now let us get the exhibit number on this so we get our record straight.

MR. AMCHAI: 2040, for identification.

THE PRESIDENT: 3040 for identification.

Q Could you very briefly—and I say briefly—glance at Exhibit 2040 for identification and tell me whether or not that corresponds to the photostat 5544, which is in evidence as Exhibit 3777

Just tell me briefly, you or no?

I I shall just look through it.... I see that Mr. Vorbor made a few corrections. I connot really tell you now whether this is exactly the same as this one. I can't do it.

Live I show you in your two handwriting, first the photostat

JL-6699, that is Prosecution Exhibit 297, and along with that I show you a typowritton copy, ML-6699...A, which we offer as Prosecution Exhibit 2041 for identification.

And my quantion is simply this: With mapped to Document 6699-A, Exhibit 2041 for identification, could you ploase tell me whether the charges in that decument are in your handwriting?

A That is my bineraphy. That is a very unimportant decument. You, it is in my handwriting.

Q Now I show you, Dr. Ilmer, photosest NL-6703, and along with that a document which is a typowritten cryy NL-8838--- which we offer as Prosecution Exhibit 2042 for identific tipe.

THE PRISITED Fust a moment. What he D 5670? Is that an exhibit?

MR. AUCHA: My records, if Your Honors please-

THE PRISIDENT: The first one you spoke on.

ME. AMOHA: 6702 is Exhibit 772 in evidence.

THE PASI THE Thank you.

BY MR. AMOYAM:

W 6702 A is Prosecution Exhibit 2042 for identification. Now,
my question, Dr. Ilgner, is this. With respect to 6702 A, are the changes
made there in your handwriting?

A Mr. Amchan, you do not get the point.

Q Will you please answer my question?

A In my direct examination I have said that all these affidavits—
THE PRISIDENT: Just a moment. This is a simple proposition.

We may not be through with these documents, but we can dispose of the matter in hand very promptly. The only inquiry of the Prosenction is whether or of the changes in the document NL-5702-A, which has been marked for identification as Prosecution Exhibit 2042, are in your own handwriting.

A Yes, that is true.

THE PRESIDENT: That is all that is before this Tribunal now.

Q Dr. Ilgner, I show you Document NI_6348, that is Prosecution Exhibit 1309. How, along with that I give you a photostat of a document identified as 6348_4, which we offer as Prosecution Exhibit 2043 for identification.

Now, my question, Dr. Ilgner, is directed to Document 6348-A, the photostat, which is Presecution Exhibit 2043 for identification. And I ask you, Dr. Ilgner, are the changes made in that document in your handwriting?

THE PRESIDENT: Do you mean the last-mentioned document?

- Q That is 6348-A, Exhibit 2043 for identification. Are those changes in your handwriting?
- A It is a photostat of the affidavit which has been introduced which shows that I made a number of corrections which I initialed.
 - Q Is that in your handwriting?

ø

A Yes, I initialed them with my hand.

MR. ANCHAI: I don't think I shall pursue this further, if Your E-more please. I might just ask procedurally, we have offered these documents for identification only and I would like to respectfully ask the Tribunal to look at them. We did not offer them for the contents, just for the question of identifying whether these particular documents hear his signatures.

THE PRESIDENT: This Tribunal has no business in looking at anything

of an evidentiary character that is not in evidence before it. When you i ontify them, you make them a part of the archives and open them to consol for the Defense, But the Bribunal cannot consider anything that is not evidence. And unless you wish to introduce them, we have no concern or interest in them, and we will not consider them in this case.

There is no way that I know that this Tribunal has any business of considering ely document that is not in evidence in this case.

on well see, with the mechanical problem of processing this thing. May I inquire whether the Defence is willing to waive the distribution in the event the Presocution offers them in evidence, and just take photostatic copies, say, of about five or six each, because it only involves the defendant Ilgner. Does the Defense...

Presecution's purpose is only to call the attention of the Tribunal to
the corrections or changes that have been made in these, and if a
twificient number of photostatic copies are furnished counsel, and if you
will withheld the or or of the decuments until counsel has an opportunity
to see it, I assume that counsel for the Defense would not consider
'homselves harmed by that. They may speak for themselves, however; I
shall not counsit them.

TITE. ACCEAN:

- Q. I will just ask one more question of the witness now. Now, Dr. Ilmar, is it a fact that when you signed the affidavits which the prosecution offered in evidence, the affidavite that you signed, or exact copies of those drafts which were changed in your own handwriting, is that a fact?
- n. No, not plumps. There are always some corrections, but I could not answer this to you cumulatively like that.
 - Q. We have no further questions. We will not ofer them in evidence.
 THE FRESIDENT: Very well, Is that all!

MR. ACCAM: That is all on the part of the prosecution.

THE PRESIDENT: Very well. Now what is the disposition of the counsel for the defendant Higner with refrence to redirect examination?

DR. PACE: Your Honor, in cross expaination the prosecution has offered a great number of decements which are a very weighty package of material. The study of these dominents whose would consume several hours in order even to got to know their contents. In this trial, we are used to a lot of work, but it is completely impossible for me immodirately to conduct a redirect expuination of my client because I An of the opinion tat those documents are evidently far-reaching in being rebuttal documents, and that in this case I would at any rate have to have the possibility of discussing the documents with my client. Therefore at the present count it is completely impossible for me to carry on a redirect examination, and I would suggest that the Tribunal give me time for this on Monday. Furthermore, I ask for the following: those docuponts also give the defense a possibility to procure additional defease material or evidence. Now the Tribunal has expressed the desire that be the first of April all the document books should have been submittad. In the mosntime, there will be Easter, and it will be very difficult for technical regions plone to procure additional evidence. Cherefore I sar for the permission in my case to be allowed to bring them in ovidence, as far as those documents are concerned, after the first of

April, and submit that to the Tribunal. I would just like to say this, bur Assor, if I may permit myself to make the following suggestion: I have a witness. The witness can be interrogated immediately so that the time of the Tribunal will be taken up and we can just continue.

THE PRESIDENT: Very well. For with reference to the first of the two matters that you mentioned, the Cribunal views that you are entitled to a reasonable opportunity to propage for the continuation of your examination of this defendant and it may go over until Manday. Meanwhile on Manday, will you please see Judge Robert informally and arrange at time with him when you will be ready to take up that matter. Now if you say in the common that is a validable that you can use in the meanwhile that will be satisfactory.

Towns to the other matter, the order that the Cribunal ande with reference to the submission of document books by April fret was intended to provent a breakdown at the last mement on the processing of documents so that we would not be delayed by books coming in at a late time. We note a reservation in that if there was occasion for separate documents in individual cases, that we would consider those on their merits. If you have a situation that you think warrants the processing of individual documents, you take that my with the newbers of the Cribunal informally, and on a proper showing we will sutherize that to be done. Does that wasser your question, Dr. Neth!

DR. HARR: You, thouse you.

THE PRISIDENT: Then the defendent Ilmer will be excused temperarily.

IB. ATCHAT: Hav we be heard, if "bur Honor please?

THE PERSONNEL Cust a rement, Mr. Defendant.

The situation we think is a little different from the one where after asking him questions we need to make a fittle different from the one where after asking him questions we need to introduce a document in evidence without

further quantions or further discussion. We appreciate that in the latter case, defense counsel should have an opportunity to study then and or of with his client for redirect because it does appear to us it is in the nature of a robuttal. We cannot go clong though with any suggestion of the defense that with respect to at least the documents which are used on cross exchination and as to which questions are put to his and as to which a testifies, that they are entitled procedurally to the to discuss those documents and to delay the reexemination of the witness.

How one further point I think the record ought to state: that i clieble with mitter the mean recess, we had an informal conference with defense counsel and the presention consented to having defense counsel at for with the defendant for the purpose offenillarizing themselves and the defendant with the nature of those documents which were offered during cross consinction.

To finished which it clear to defense counsel at that informal conference that we were waiving our rights, whatever they are, only with respect to this individual defendant, and that we did not intend to have our notion construed as a wriver or a precedent for any future defendant.

-DW I think it would be best if we get together and conferred about this administrative problem in chambers. Our only point of mentioning it on the record is that the presecution does not want to be misunferstood. We do not want to wrive our right and we do not agree that in all cases the defense are defined to a postponewant of the redirect examination.

THE PRESIDENT: Well, the presention is morrented in saving that whatever encossions it may great in a particular case and to meet a situation shall not embarrass it on far as establishment of a procedent for the future is concerned. I think the presention is also correct that as to the documents which are purely produced as a part of a proper cross are ination, the crunsel for the defense would not be in a position

9703

Typocoding with wistover redirect examination would be proper. However, we do not a bookuse of wist has been indulged up to this time in this case, rather a mixture of documents on cross examination and those which principly would be regarded as robuttal interial. The Tribunal would probably be wasting time if we undertook to segregate this examination as to that which is properly cross examination and that which is in the nature of robuttal material so as to divide the future examination of this defendant into two groups. That might be done, but it would probably result in some controversy that would be avoided if the whole examination of the defendant goes over until Menday. Is the prosecution insisting that it wants the cross examination proper to continue now

of our understanding was that since this is the first instance of the bind with this defendant we will wrive our rights until we can settle the ministrative problems in chambers.

understand it, the relirect exemination of this defendant will an ever until Company at some hour to be arranged with the Court in Chambers and that in the menutime command for the defense is privileged to talk to the defendant, and that all this is without counitting the presecution to a procedure. It may emparases it in the future so far as the rules of procedure are concerned. Then under those circumstances, the defendant Ilgaer is excused from the witness stand and may return to the dock, and if Dr. Noth will announce the name of his witness we will have the witness brought in. (The witness is excused.)

DR. HATE: Your Honor, I intend to bring in as my first witness, Dr. Dietrich. The examination will be carried on by my colleague.

THE PRESIDENT: The Marshal may bring in the witness Dietrich.

DR. DEX: Originally it had been agreed by me and my colleague.

Linguiberg, that now there is a notion to be introduced for my client, begints. But in order not to let the witness whit I shall step back and I ask that I be given an opportunity on Monday to present this notion for Schmitz.

THE PHES DEMT: If you can do that, Dr. Dix, we would rather hear your notion when we convene on Monday norming, if it's agreeble for you to be here at that time befre we start on the trial proper.

DR. DIX: Yes, sir, that is all right.

Da. Enkil RD DIETRICH, a mitness, took the stand and testified as

TE RESIDENT: Mr. Titness -

THE TT. 353: Dr. Bernhard Dietrich.

THE FRESIDENT: Do you spook thelight

THE TRESS: Soud.

THE PRESIDENT: Good. You will please raise your right hand, say I and state your mise for the record.

THE THESS: I, Dr. Bornhard Dictrich.

T.L . CSIDENT: Now report after me:

- sworr by God the limiting and the Commissiont, that I will speak the pure truth and that I will withhold and add nothing.

(The missour reported the oath.)

THE FRESHDENT: You may be sented.

DESCRIPTION

ST DR. LINGSPARE (ATTOMET FOR THE DEFENDANT BLONDER):

- you also give us residence and your birth date.
- d. Dr. Bernfard Districi, address, Berlin-Frehmu, born on 22 Cotober 1896 in Plauen/Vogbland.
- n. Tould you tell us briefly of your career, experience, and what positions you have bold?
- A. From 1919 to 1922 I studied Economics, Trade, and Gustom Policies at the universities in Leipnin, imposter, and Proiberg and at the Consular Academy in Vienna. In 1923 to 1927 I was Order Deputy and then Director of the Foreign Trade Office in Search-uncken for the administration of import and amport quotes from the Saar area to the Reich. From 1927 to 1932, I was a correspondent for the newspaper "Ruhr und Rhoin," edited by the chambers of commerce of the Ruhr area and the so-called Langham association, an organization of the branches of chain stores, a protective organization, since those chain stores, just like consumers unions and other stores were fought by National Socialism. From 1939 until the and

of the wer, I was business menager and Verstand member of the Central

- . Were you a member of the HSDAP or one of its organisations?
- 1. Dr. Dietrich, the prosecution in one incriminating document -Your Honor, tids is the affinitit of Dr. Helmut Woock, Exhibit 1,004, concerned itself with the activity of Dr. Digner in Southeastern Europe. .s you have just described to us that close contact you had in this respect as a leading Verstand member of the Central European Recommunic Conference, since 1939, I would 1the to ask you whother you can tell the Informal about this, that is, about the activity of Dr. Ilgaer in Southandtorn Europe.
 - ... I hope no.
- 1. That connection did Dr. Ilgner have with the Central European Economic Donference?
- .. Then I took over the business management there, Dr. Higher was randy appointed Vice-Prosidents. If I is correctly informed, he was Transp in 1931 or 1930 elected as a Beirat member of the organization.
- . Did you have any other opportunity outside of the Control Suropean lesnomic Conference to got to know Dr. Il gner's principles, which he pacd in his business policies in joutheastern Europe?
- A. I saw Dr. Higher very frequently even outside of the organization and I also got together with his family so that I had frequent opportmittes to get to know mis opinions.
- 1. Dr. Dietrich, please describe to us briefly what the Central European Economic Confurence was, as for as its organization was concorned.
- A. It was a free association, registered in the list of associations La Berlin and it had succeeded, even during Mational Socialism, to keep s t of the specialized groups and chambers of commerce.
- O. Thore did the Control European Economic Conference have its acadquarters and did it have any branches?

- In 1921 with the task of meeting for economic conferences every year in order to get the information of the economic circles of the former Brankish Monarchy and to exchange this information. That is why it get its strange name, Secondaic Conference. As far as the brenches are concerned, it did not have any. It had so-called Landengruppon, District Groups, which were independent of each other and when it was formed, there were, first of all, an Austrian group, a German group, and a Hungarian group. In 1929, the predominent activity of the MIT passed to the German group in Berlin, which from that period on, set up a permanent office.

 Later on, District Groups formed in Rumania and Bulgaria.
- O. What was the sim of the HTT according to the charter of the
- 1. The gramation of Ger an economy in its relationship to South-
- n. Did the Diff, in the practical business policy, keep to these tasks which had been assigned to it by the charter?
 - for as I know, yes.
 - . That persons made up the direction of the MATT?
- In the Cormen Group in 1929, there was Funiherr von Milmowsky, who had taken over the Prisidency and he kept this until he was arrested on 20 July 1944. Dr. Max Ilgner was the Vice-President. Furthermore, Dr. Jukeb, who was the Dusiness Manager of the German eigerette industry, who, after the death of Dr. Max Priva, who was the first business manager, conducted the business on a provisional basis until I took it over and who in recognition of his services there was accepted into the Verstand. Purthermore, there was in the Verstand Professor Moormann in Helle. He was the Director of the Economic Boirnt. Also the Ambassador Ulrich won Hassel, and I myself, as business manager.
 - 1. And who were members of the Association?
- A. About 120 to 130 of those German firms, banks, and trade concerns, which had any important economic relations with Southeastern Europe, especially firms in coal, iron, and steel, machine construction, especially

agricultural machinary, obsmistry, some textile firms, some tobacco and eigerette firms and some leading banks.

- Q. How was this association financed?
- ... By general and voluntary special contributions. The financing took place by estimating the whole of the expenses because it was difficult for the management to estimate how or to what extent the firm concerned was interested in these Southerstern European Economics.
- 1. Br. Dictrich, would you tell us in a few sentences what the actual cuivity of the MAT was, gines its foundation, the way you observed it?
- in. The LTT had three unin groups of tasks. The first group included the extraction and evaluation of the soil resources of Southeastern Europe; the second group, the entire field of building up the agriculture of Southeastern Europe and the third group concerned itself with the erating of scholarships to young scholars in Southeastern Europe.
- Gontheastern donation in commercion with the LDT and a contribution to the Londony for Norla Trade in Vienna. Can you tell us what this is about?
- This was an expension of our scholarship activity to include young business now. The amin causes for this were given by the national-isation regulations in the Southeast; to an increasing degree the neverments of Rumania, Humpury, and Bulgaria issued decrees according to make German firms in the Southeast had to employ prodominently indigenous commercial personnel who were thus to be used for business arrosses, were not always of the nature to which we were accusioned.

To sand them generally to German universities was not feasible because the usual German trade schools had too little contact with the Southeast and, therefore, we chose the School for World Trade in Visual and we set up private courses there for young businessmen in which about three hundred to five hundred young Hulgarians, Rumanians, Yugoslava, Serbs, participated. We trained them in all fields of business life and I hope that these young people are still making use of this knowledge today.

Q Do you know, Dr. Dietrich, why Dr. Ilgner as director of Farban just happened to be interested in Southeastern Europe?

A Farben was doubtless the largest single importer of the German firms, and within the Vorstand of Farben Dr. Ilgner was designated to represent these Farben interests in the MVT.

Q Can Dr. Ilgner's activity in the Southeastern Group of the Heich Group Trade be brought into connection with this?

A I think so. It was parallel, the tasks were parallel here, and for such purposes the firms made not two people available but one person for both purposes.

Q was this Southeastern Committee of the Reich Group
Industry a government agency?

A No, that was a part of the organization of industry, that is of the salf administration of the industrialists, which, to be sure, wars indirectly supervised during National Socialism.

Q In these industrial committees, Dr. Districh, were the deliveries from the Southeestern European countries to Bermany during the war discussed?

A No, that was a mission of the government committees.

Those were government committees who were led by officials.

Q Can you tell me, Dr. Dietrich, how Dr. Ilgnar's ralationship was to the leading economic circles in Southeastern Europe?

A There was, of course, in the Southeast one or the

other sconomic leader who did not quite like the manner of Dr. Ilgner. That was true in Germany too, but in general I think I can say that the relationship of Dr. Ilgner to the southeastern gentlemen was very good and that for the most part he was considered a friend by these circles.

Q Can you perhaps name me some of the leading men of the Southeastern European economic life with whom Dr. Ilgner had special contacts?

A I could name from Rumania, from Bulgaria, and from Sungary savaral gamtlaman, but I don't know whather it would be fitting today to name these people under these conditions today, but I can just say generally that these were people from the most varied backgrounds and of the most varied opinions, and that we got frequent reproaches from National Socialism because of the free composition of these grouns of the IPC shroad. We were represented with the fact that we had connections there with liberals, with Anglophiles, with Francophiles, with Free Masons, with Jews, with oppositionists, with oppositionists to those governments installed during the Nazi government, etc.

Q Dr. Districh, I shall gladly refrain from naming a list of these people, and I am quite satisfied with what you have said. Can you tell as now what Dr. Ilgner's economic principles were according to which he conducted his Southeastern European economic policy?

A In this respect Dr. Ilgner had a formula which he repested very frequently so that it almost became a slogan. He had
the point of view that we have the greatest interest in seeing
that these countries as quickly and as extensively as possible,
promote their own welfare because the richer these countries are
and the more purchasing power they have, the better and the more
theroughly could we conduct business with them. In the practical
execution he was in favor of the intensification of the basic

infustries as well as of the agriculture on the broadest basis.

- Q Did Dr. Digner get to the public or publish his plane?
- A within the MWT once within the membership meeting in limits in 1940 and beyond that at every suitable opportunity, in a small or large circle, so that I think all Germans and foreigners who had anything to do with Dr. Digner knew his assential principles and had to get to know them.
- Q Dr. Districh, you just referred to Dr. Ilgner's MAT licture in Vienna in 1940. Do you recall that Dr. Ilgner said there that his Southeast European policy was set up according to the official policies of the Reich?
- A I cannot recall such a formulation, such an individual formulation. I could imagine that he used a general manner of speaking as is often used in public speeches in order first to have a platform and then to develop his own ideas.
- W Dr. Districh, since you recall the lecture as such but since you do not specifically recall such a remark as I formulated it before, I ask you whether I am right in assuming that this, at any rate, was not the tenor of Dr. Ilgner's lecture?
 - A No, definitely not.
- In the Exhibit 2037 which has been submitted today by the presention reference is made to a sentence of Dr. Ilgner, which he made during his Vienese lecture, and it reads as follows: "The directives for the future German economic relations to the Southeastern countries can now be seen within the framework of the foreign policy of the greater German Reich." After I have quoted this, you do maintain your statements as you have made them up to now?
 - A Yas.
- Q Can you perhaps give me some specific examples in which through Dr. Ilgner's initiative these countries in Southeastern Europe were helped? Perhaps we could go to the three groups which you

mantioned before yourself. First of all there is the mining field.

A In the mining field the MT especially in the Southeast founded their company at Belgrade and a Pyrane A.G. in Bulgaria.

Insee mining organizations were before the time when I was a business manager, when I took over the business management Mr. Keppler practically had already abandoned our activity in this field. It had been forbidden to our geologists to exploit further ore deposits and a shirt time later on, our geologist was drafted into the Army, so that the work was abandoned. As to how far Dr. Ilgner participated in this mining affair before, I do not know.

Q T. on there is the agricultural field.

A In order to bring about the intensification and the development of agriculture, Dr. Ilgner made very great afforts. I will again give several specific examples. It was our point of departure that the Southeast had a two-field agriculture, that is wheat and down. One of our first tasks in agriculture was to multiply the growing of agricultural products. The development of the growing of some beans and flax, etc., also belongs into this field.

- continued) In the cattle reising field there were our excontents with breeds of sheep in the southeast, and to breed them by
 using which sheep a ich were more valuable sheep. Further more, in this
 chapter there is the development of pricultural machinery schools in
 order to train the agricultural population of the southeast. The same
 is true for repeir work shops as training places. Finally, where is also
 the develop out of the so-called model villages, but these acre not now
 villages; they were just old villages to which we assigned. Garain,
 Bulgarin, Locacnian, Hungarian as supervisor, whatever the case was,
 and when we trained in modern agricultural processes.
- It. The Perdon me, Your Monor, I im told that there is a transintion datake. The vitness said something about the geological field and it was armal ted that the experts term forbidden to suploit the deposits; he said to study them.

THE VILLEGE Thank you, Counsel. BY OA. IL TERRENG:

- . Dr. Matrich, now something rocut the third point, the scholar-
- Itely not merica, and they showed that you only should give acholarships to young copie who already have an a demic degree and the time show proof of their professional rublific tions, and who have shown as in their hear state. Such scholars were given scholarships for all types of technical accommissal and medical schools, etc. In this work we were also strongs supported by Dr. Higher, especially in the scutherst, which was mentioned before.
- . Did Dr. Ilgner, to your inowledge, cursus projects in the south-
- but with which he didn't find such favor from the part of the government and part; agencies.

19 March 48- -St-26-2-Sampson (Lea) Court 6, Case 6 7. You can just say it in a few words, Dr. Districh. A. I recall the evaluation of the Banubian shipping, of mitrogen projects and of projects in Siebenbuergen. . Do you know enything about Dr. Elgner's efforts in the westion of covering the German clearing debts to the southeastern European states? a. Yes. Dr. Higner made great efforts in this suestion, and he made specific suggestions. If I recall correctly, aspecially from the point of vicu of post-war deliveries or of transfer of abandoned German plants to the relatively acchine-hungry countries of southeastern Turope, and even by the suggestion to have the authorstarn Buropean economic circles justicipate in the economic standards of Germany. . Dr. Dietrich, you have just spouch of the transfer of abandoned fretorics. To you know whether in this connection Dr. Ilgaer les thought of French Lectories? A. It's could that in my presence he once represented the opinion that already wring the war one should give the French the possibility to gain war up their import at sconesie connections with southerstern curous, a s can of these possibilities he listed the transfer of bandoned French plants to the souther t under the conditions which he thought of in the case of Garmen plants. 7. It is Dr. Higner's opinion bout a mutual cooperation in carrying out on natic projects in the southe st? A. The ill had the basic principle of equivalent status. The mentioned Prone company, for example, as fininced 50 per cent by dulgarian capital, 50 per cent by Garan capital. Dr. Higner even tent beyoud this principle of eruel a rticin toon, and repeatedly and the suggustion th to the amjority of the comit I should be given to the Poreign countury, and that marely the technical and chemical direction for a cert in tempor ry period of time of 10 to 15 years should be reserved for the Gorden partners. 7. How can jou explain this attitude of Dr. Ilgner? Isn't it am

Alguism which one does not usually find in business life?

- If can be explained above all by the very broad economic interests of I.G. P.Phen. If I recall correctly, Dr. Tigner gave as reasons for these our articles that we have an interest in raising the standard of the southeast, and we shall find enough expert and import possibilities so that the participation in individual cases is not so important. Just by leaving the majority to the foreigners, we must encourage these foreigners out of their conditions. Perhaps I may give one extreme for this: In our agricultural a chinery schools we left the influence completely up to the foreign countries; we did not participate at all any more in those schools; we merely had an exchange of information of experiences and we trained the foreign we chore these because we thought that if the matter turned out wall, then of course it's useful in any case, but if it doesn't turn out well, then the autority won't do us any good either.
- in the souther at?
- of Geran scanade policy. The general economic policy was oriented toward the test, but by and large, this related this way until the second war year, a long as the bussian ore and wheat deliveries tent on. It was only from the bracking off of the German hussian relations that the official colic, pounced upon the scuthe at and these Danubian countires were now be clockly deliver all those tidnes which the world a rhot and hussian had delivered before that. The old diplomats were issued tell summerily discussed and replaced by uniformal 35 and 5% people, and everything was done to a cocupation troops do in order, or rather to become unpopular.
- be reconciled with this?
- ... Frictically they cannot be because these principles contridicted the basic principles of Dr. Ilgner's in developing southeastern durope.

- . This brings me to the coestion, Dr. Dietrich, how mes the relationship of the DM and Dr. Higner to the State and party agencias as for is the southe stern policies were concerned?
 - ... Not good; they gradually be: we tenser and finally vary b d.
- to Den you give me any specific examples how this, why this bad relationally between the LT and the state came about?
- In a limit of the discontinuation of the mining work and beyond the t, for an only, and assed won Massel, after two or three trips to the southerst, the prohibited from taking any more trips to the southerst.

 It master has in the scholarship field, while they were on a trip in Bulleria, that told by the German minister there, that they had to leave the country and in twenty-four hours because evi ently the very good relations of my collaborators, to young dulg rians outside of the party political circle, morally be discontinued.
- The suffices; thank you very mach. Do you know thether pr.

 Tigner income it or now personally disected by the negative attitude of the state of the state of the state.
- I think it with have been in 1964, who prohibited from going to bungary.
- Tell .e. Dr. Dietrich, why the .T. if it was so unpopul t, why
- were limited in the verious fields, and from time to time it the elected whether a could purpose be used for programme purposes, and then this to not possible, an autspoken a tional Socialist counter organization was formed, the poutherster European Coapens in Vienne, in which all insortant government of party gencies participated.

19 Mar. h8-A-CJ-27-1-Spoars-(Lea)-Court 6 case 6 Q Did the Will continue its activity until 1945? A Activity practically coased after the 20th of July 1944. In connection with these events, the President Freiherr von Milmowsky was arrested, the Verstand member, Ambassador von Hassel was arrested and finally was hanged. The presiding officer of our Beirat Professor Woomsonn was arrested. Other Beirst-meabors were arrested, among tiega, the scenamist, Wennel Petschenthal was hanged, and various others, were sunt to a concentration camp, and it was only a miracle that Dr. Ilgner and I were not also arrested because the Gestapo only would have had to exemina the financial dualings of Ambassagar von Hassel in order to find a wais for such arrest. Tall oc, Dr. Dietrich, are there similar institutions in ther countries, such as the MWT? a sy coincidence, after the war in the American Magazine, "Time" of & October, I saw an article according to which the former American Sucretary of State Statisfies founded two companies which practically had similar sime, to devolop backward countries, one company for Liberia, and one orideatly a general company of this type, in which well-known industries and banks were participating. i hould you give us the year of the issue of this "Time" magazine? A 1947, 6 Joi mer 1947. I Thank you. Finally, Dr. Dietrich, I just would like to ask you a few more connecting questions, especially in connection with the Proscention Exhibit 1096, which I mentioned at the beginning. Could one consider the and as an instrument of Mazi policy? a. The NWT was always considered as a liberal club by the National Socialists and was supervised as such. Q Did the central European occuraic conference undertake any staps which had an indirect contact, or could be brought into connection directly or indirectly -- in connection with a war of aggression? A Not in any way to my knowledge.

- Q Did the WT ever do anything which could be considered as blunder or spelintism or as any disadvantageous conduct towards the List European countries—southeast European countries?
 - a Do. I can dony this question, too.
- U Did you ever abserve that Dr. Ilgner beyond this--outside of the MM's pursued such sins?
 - A I have no basis for this.
- Q Them I have one final question. Did the MAT and Dr. Ilgner within or outside of the WAT, according to your knowledge of the things a nduct applyings in the southeast?
- A No. I know Dr. Ilgnor is a very lively, very frebk, very state name-talkative wan, when I consider unsuitable for such an activity. I am not an export in a splenage matters, but if I should ever come into a situation to led for a spy, and I had the choice between Dr. Ilgner and some other individual, I would cortainly choose the other man instead of Dr. Dignor.
- DR. LINGLNANG: Thank you, Dr. Dietrich. I have no further quastions.

PHESIDENT: Anything further from any of the other defense counsel?

If not, the presention may cross examine.

CROSS EXAMINATION

BY AR. AUCHANI

- U Lr. Dietrich, did I presetly understand that you became the business manager of the central European seconomic committee in 1939?
 - h Tos.
- Q or, Haner, was the vice president of that organization, is that right?
 - A 428.
- periodic bulls time and in mimeographed ferms something like I am holding up? Do you recall that?

- £ +05.
- Q And is the address of this hitteleuropaeischer Wirtschaftstag Schlin 1-35, Hildebrandtstrasse, 177 Is that the address of the organization?
 - A Yes.
- by this organization, they discussed the political policy, propagands and intulligance, do you recall that?
 - A Various accommical matters were discussed.
- Cristia wherein you discussed foreign policy of Creatia, thoughts on a future fruntier, behavior of occupational troops, internal policy, Jowish problems, Pro-Carman newspapers, and anti-Gorman newspapers, do you recall a report about April 1961 of your organization dealing with these metters?
 - a Acports of this type --
 - Q First, de you call such reports?
 - .. les. I have already confirmed that.
- Jow, do you recall reports with respect to Hungary in or about april 1961, dealing with negotiations on new frontiers, anti-Jewish laws are not really executed since several Government officials have Jewish wives, and related matters do you recall such reports in April 1961 by this organisation?
 - a I do not remember any details about this.
 - 4 In general, do you recall such reports?
- A lt is possible that reports of this type were made out as representing the sorals there.
- W And this organization sont these reports to its members and other people, is that right?
 - A The sanding off was essentially limited to the members.

19 Mar. Lo-1-7J-27-L-Spears-

- Q Is you recall reports in January of 1940 about the Crostian's question about the organization of the peasant and citizen guard and the coming parliamentary election, the pro-derman sentiment, British influence, and related matters, do you recall such a report-Wittel-curopaischer Wirtschaftstag, do you recall these reports.
- a I cannot remomber any individual reports because these reports more edited nonthly or weekly, and many individual news were issued them.

Q Do you recall such reports generally?

Dh. ALTH: Objection. Your Honor, I think that the witness is not able to recognize by the question what the prosecution is gothing at. I would suggest that the prosecution gives the witness an opportunity to look at the documents which are being used here so that he can make a consecut in them, but just by giving him general headlines one cannot say anything about the contents.

is proper, whether he recalls generally that there were reports of that character. "c can enswer id he sees fit. Do you, Mr. Witness, recall that generally there were such records sent tout to members of the character described by the presecutor?

THE TITLESS: The general character of these reports was certainly not if the nature as the one or the other example which the presecutor at the mount has in his mind shows.

PROJECTIVE: Then you have enswered the question then.
BY MR. MCHINE

- Q I think now you said this organization was not in favor with the Nazi party or Nazi officials, isn't it a fact that at the meetings of the organization they were attended by proximent Nazi Party officials and callitary men, isn't that a fact?
- A of course, it happened that, for example, in a mombership assembly, one or the other efficials of the government or of the Party would attach value to--attach importance to attending that meeting.

In such cases we could not prevent the participation of these new, but we had to count on their participation, but the principle of our meetings -

4 1 just asked about your attendance at the party?

PRUSICENT: Well, let him enswer the question. "e is inclined to go shand and answer. You are entitled to do so.

This ITM SS: I have emphasized that the nature of our meetings was the meeting of representatives of three firms of the MWT and I don't think that this character was disturbed if for the reasons I just mentioned, one or the other representatives of the government or of the party took part in such a conference.

IF. AFRICA: We have no further question, if your honor please.

FERLEAT: Is there any further interrogation of this witness?

Do you have anything further, Dector?

RODIRECT FOUNDATION

MY DR. BATH:

Or. Districh, would you be kind enough and purhaps tell us in one sentence, if possible, the nature of these weekly reports to which the presecutor referred?

A almost every organization, charlour of commerce, or specialized has clation, in order to inform its members, issues an information bulletin or circular or a mouthing like that. For this service I had a non who administered the credites of the NVT and who on the side adited those reports. These reports were predominently compiled from newspapers which were not written in the German language, that is to say, Hungarian, Corbien, Runanian, Bulgarian, etc., or Grock, that is, newspapers which could not be read by the rembers nereally. It was the task of my assistant to evaluate these foreign newspapers and to extract news from these expers and put them into the information bulletin of the NWC.

I think, this would give you what you asked for; as far as any political task is concerned, it had not.

19 Mar. 18-4-GJ-27-6-Spears-Sturt 6 east 6

PRUSIDENT: is there anything else desired of this witness?

Then the Tribunal will excuse the witness from further attendance.

and we now rise gittl 9 c'clock Monday morning.

(The Tribunel a ijourned until 22 Karch 1948, at 0900 hours.)

Official Transcript of Military Tribunal VI, Case VI, in the matter of the United Stated of America against Carl Krauch, et al, defendants, sitting at Murnburg, Germany, on 22 March, 1948, 0910 hours, Judge Shake presiding.

THE CARSHAL: The "onorable, the Judges of Military Tribunal VI.

Military Tribunal Vi is now in session. God save the United States of America and this Monorable Tribunal.

Thoro will be order in the Court.

THE PASSIDENT: You may report, in Abrehal.

THE HARBIMAL: They it please Your Honors, defendants Lautenschlagger and Hacfliger are absent, due to illness.

THE FRESHDENT: We must apologize to counsel and defendants for being a few minutes late. We just have trouble of our own. We learned our money was no good this merning, so we are getting it changed.

Judge ibrrell has charge of the matter of the processing of documents and he has recommended to the Tribunal that in view of the fact
that we have a heliday this weekend and processing may be semewhat delayed on that account, that the decelline which the Tribunal had heretofore fixed of April 1st for the submission of books is now extended to
April 5, in order to absorb the delay occasioned by the closing of
offices over the weekend.

Are there any appoundments from the defendants?

DR. DEMENT: I'r. President, may I ask that the defendant Ruchne be excused from the recess this marries and the defendant Mann be excused from the neon recess on?

THE PRESIDENT: That will be satisfactors with the Tribunal.

DR. DENIDT: Thank you.

THE PRESIDENT: Dr. Dix, let me say something to you. The Tribunal has received the translation of the motion that you made the other day on behalf of all defendants. We have read it. But sometime during the day, or tenerrow, when you have some time at recess we should be glad to talk to you informally in chambers about that matter.

DR. DIM: Ir. President; I have two motions; one on behalf of my client, Scirits, and the other for all of the defendants' counsel. One of these notions is a little complicated as to facts, and legally has some basic significance. For that reason I worked out both motions in detail in writing and I gave the reasons for all statements. And now I shall morely confine myself to explaining the over-all idea of the motions.

The motion on behalf of Schmitz calls for the striking from the record of a certain document No. 5187, Danibit 334. The Tribunal will remember this exhibit. It contained a statement of Dr. Tor Moor and also embraced a statement of the defendant Schmitz —

IR. ACCIDENT I am sorry to interrupt, if Your Monors please. I am wondering, in view of the fact that a copy of these motions have not been served upon us, that if any useful purpose would be served in erguing it, rather than just stating it.

THE PLESIDENT: Well, there is some merit in that point. But yet I take it that counsel is entitled to have stated on the record the fact that he has filed such a motion and also enough about it to identify it. Beyond that, he should not go until we get it and the Prosecution has it.

DR. DIM: ir. President, I considered it a matter of course that the Presocution had had sufficient time to reed the metions, and then they should be able to take their stend.

Woll, I will continue. This statement of Ter Meer's contained testimony of my client of the 17th of September, 1945 and at the same a revocation of this statement by my client. This withdrawal is stated of the 17th of Mevember, 1945. In other words, there were two statements of Schwitz' incorporated in Ter Meer's statement. My associate, colleague Gierlichs, already at the time during the session same months ago, objected to having introduced both Ter Meer statements at the same time as the statement of Schwitz', and he gave detailed reasons for his spinion at the time.

I repeat these reasons in my written motion once more. At that time the Tribenal suggested that first of all one should determine whether the copy of this statement in this Ter Meer testimony was really identical with the original of the statement. But this explanation was not made. Moreover, during a later session the Prosecution again offered this document. Counsel Gierlichs was away on that day and I still in the Flick trial. We couldn't object to its introduction at that time. And therefore the statement, which is Exhibit 334, has been accepted.

I should now like to make a motion to have this statement stricken from the record—not the whole document, Exhibit 33h, but only that Schmitz statement dated September, 19h5 should be stricken. That is, I make the motion that only Schmitz' statement be stricken from the document. The reasons for this are as follows—

THE F. SIDEIT: Now, now, counsel. That, I think, is entirely proper that you put on the record what your notion is, but now as to the reasons I think it would probably be northelpful if you would postpone that until we get the motion and the Prosecution has it, and then if there is an occasion to be heard we will give you an opportunity to present it. The matter, parhaps, better rest on your statement as it is until the notion is evailable to us.

DR. DIX: Yes. Thy I then at a later time give you the reasons for my matien?

THE FRESIDET: Very well. Very well.

DR. DIX: Very well then, I will do that inter.

Then I now turn to the second notion on behalf of all the defendants' counsel. I shall egain in this case offer that in writing this morning.

It is still being typed.

Your Monors, this is a motion about which I am enough of a diplomat to state right new on this restrum that I have my doubts whether the Tribunal is able to help us despite its best intentions. Nevertholess, I shall try it.

Defense is laboring. The British and the French occupational authorities have issued an order which is enforced for all people that enjone who leaves the American Zone and enters either the French or British Zones will first have to get in touch with the Security Officer or the Officier de Surete, and he has to state to whom he wants to talk in those zones. Nost witnesses and informants that we want to talk to—whether they are right or not is besides the point—want to have their names undivulged. The fact that they give us information is a confidential affair that is in our knowing, in our trust. We would violate our professional duty of secrecy if we would disclose their names. We have here a conflict of conscionce between our obedience to an order of the occupying autho-

ritios and between our basic professional ethics to safeguard the secrets that have been entrusted to us. One cannot object here that you really can't couplain because this applies to all; it also applies to the Prosecution. In our case the affair is different because we have the duty to safeguard the confidential nature of these persons. Collecting information through interrogation of persons in these zones is therefore almost impossible to us because of this order.

It is cortainly a circumstance aggravating our presentation of the case.

At the beginning I already stated that I didn't know whether the Tribunal might be in a position to help us, but at any rate we want to ask Your Honors to try what you can do. I have written it all down, including the order incorporating the order and the local regulations.

THE FRESHDETT: The Tribunal will give that matter consideration as soon as we get the English translation of your motion. As you have suggested, it may present some problems the Tribunal will have some difficulty in scaling with. I can only say to you counsel that I think you know that within every limitation of your and authority the Tribunal has it stands ready to provide you with all of the means necessary to present your defense. Some things are beyond our control, but we will see what we can do about it. As soon as we get the motion we will give it consideration.

Anything from the Prosocution?

DR. HATH (Counsel for defendant Ilgner): Mr. President, I should like to begin my re-direct examination, and with Your Honor's permission call Dr. Ilgner to the witness stand.

THE MESIDEAT: Dr. Ilgner may take the stand.

(Defendent Tigner took the witness stend.)

REDIRECT EXACEDIATION

DEFENDANT ILGITAL

ER. HATH: Dr. Ilgnor, I want to ask you about the documents submitted by the Presecution to you on Friday, during cross-examination. I begin with Danibit 2018; that is NI-14665.

In. Prosident, may I first point out to you that this document consisting of four pages borrs on the last rage, on page 6 of the original, the signature of ir. Briksen. I have a photostatic copy of it here. From this photostatic copy it can be seen that ir. Briksen could not have signed this document; therefore, an error has been made. In the original there are only some initials, but not ir. Briksen's signature. Throover, there is also a mistake in translation, under III, on page I of the German text, and at the und of page 4 in the original. I believe that the Prescention group with me that a mistake in translation has occurred, and by the interrogation of Dr. Ilgner I shall rectify that particular error.

22 Merch 48-M-ATD-3-1-Gaylord (Int. Natz)

Dr. Ilgner, would you please define your opinion about this decument?

A This Exhibit 2018 constitutes a short letter of Monsiour Moratte of Sociate Morvegianne D'Azone, Paris directed to the financial advisor in Franco, Monsiour Jacuque Taindre. As can be seen from the lotter, the memorandum attached to it is one of the Banque de Paris. It isn't signed in the original. I assume that it is a memorandum drafted by Monaiour Couture. Monaiour Couture is the Directour Adjoint of the Banque to Paris. In this momorandum, the Paris bank expresses what has been decided in an internal discussion about the practical application of the resolution between the Puople from the Paris bank and Mensiour Jacques Raindro. These are routine affeirs. However, in order to express a little more clearly the character of this document and particularly the spirit which prevailed towards the French shareholders, and perticularly the soricus difficulties with which we were all confronted because of the regulations and permission to be gotten from the authorities and the interference of the authorities, and in particular the difficulties to which the French were subjected, I want to point out a few short points. In the accompanying latter of Monsieur Mibratte which he sends to Monsteur Maindre, the last sentence reads, I quote: "For the rest, these texts will have to be cleared with the French and Corman authorities for permission before their publication," That is to say, they have to be submitted to the French Government in the occupied part of France.

Lay I continue in order to give you the context? Then we shall be firshed. In regard to the memorandum, from the first sentence it can be seen clearly that this increase in capital was a measure planned by the Norsk Hydro themselves when they decided to undertake this measure, and they undertook it and carried it out. In order to show the difficulties of the French on the one hand and the readiness of the Norwegians and the Parben people on the other hand to help the French wherever possible, I read one passage on the second page from Roman II, sub section

22 March L6-15-ATD-3-2-Caylord (Int. Kats)
Court 5, Case 6

(c), in the first paragraph, the last sentence, Turthermore, it would be advisable that it should be made possible that subscriptions be accepted in Marseille at the Agence de la Banque de Paris. It would be similarly necessary to fix the date for the final subscription to be given and that should be pushed shead sufficiently in order to give the holders of the purchasing rights the chance of participating in this purchase. This deadline should be put at least one and one-half months from the beginning of the subscription. These are the desires of the French shareholders who are represented by the Banquerde Paris towards the firm - that is the Morsk-Rydro," Norsk Hydro, as can be seen from the other documents, complied with all these requests of the French. In this way, a new depository in Erscille was created, that is to say, in the annocupied part of Franco. In connection with the next document, may I point to this preticular point and its probably significance. The extension of the deadline for the sign tures to be given -- that is to say, the offer of the claims of purchase were fixed at a period of one and one-half months, as desired by the French, which is an unusually long time for bank transactions. On Page 2, there is a passage which is rather interesting and which throws a good deal of light on the situation; that is or the question as to why the French had difficulties in being represented at the extraordinary sheroholders meeting, I quote, "The German authorities controlling the foreign exchange, since the latter blocked all shares of Morak Hydro in Movember -"

Q Would you please repeat what you said?

A I don't have to read it; I will explain it in my own words.

This sentence shows that these shares were blocked by the German authorities in the occupied part of France; that is to say, the Franch shareholders couldn't even reach or touch these shares. Dr. Math, I believe this clarifies this subject.

Q I beg your pardon. On Fage 3 under Roman Numeral III, the prosecution emphasized particularly the paragraph, "It must be pointed

cut without dolay ... " Thy I ask you to define your attitude about that paragraph?

A Yes, I was just going to do that. It is rather significant. I quote: "It must be pointed out without delay that the distribution of new shares, as specified in the draft of the pusphlet that we received, does not correspond with what has been decided on the previous Barch during the conferences which were attended by Mr. Wellenberg, Dr. Ilgner, Mr. Triksen, Mensiour Mibratte —" and then are necessly, in the translation of the prescention, "and myself." But that is a bad translation from the French. In the French, it says, "An mois do Mars de durnier," and that means: In the provious Erch. I continue to quote, "It was recognized as fair by all concerned that justas in 1930, all the stock forming the increase of capital should be offered to the former shareholders." That is quite correct, and it shows the fair spirit provailing towards the French during the conference in which Mr. Wellenberg prosided, and which conference was undertaken on the basic of my suggestion.

After our return to Berlin, Dr. Kersten was called to the Ministry of Beenemies; that is Presentation Exhibit 1204, file note of Dr. Kersten of the 28 of March. Dr. Math, we have already made very clear statements about that on direct exhibitation, and therefore in order to keep the record as briefas possible, I shall not go into this too much in detail.

A feweresks later, the Reich Coverment informed us — that is the Reich Ministry of Recommics and the Reich Ministry of Aviation — that they wanted to form a Garaen rejerity and that they had conducted negotiations behind our backs through the Brusdner Pank, and that was the situation confronting us at a later time. Intas I have also said, the Prench agreed to this orally, and in writing after they talked to the gentlemen from Norsk Hydro, because we hadn't any other choice. This actually meant that only three per cent and not happer cent were excluded. I have already pointed that out in my direct examination.

Q Dr. Ilgnor, do I understand you correctly that you are saying that the paragraph which the prosecution has quoted here in which the French complain, that in the draft there is something different contained from the original discussions or arrangements? Do I also understand you correctly that this difference was later equalized and clarified by direct conversations with the French?

A Tes. The French, as has been shown by our documents, perticipated orally and in writing in every transaction because they were members of the board of directors. They agreed to all arrangements orally with the formagines, and we were of the opinion that that would be the best way of handling this matter.

Q Thank you. That is enough about this document. Dr. Ilgner, I want to turn to Exhibit 2020.

A Excuse ma, I have one more statement to make. In order to show their spirit, the French had asked that the claim of purchase be changed from four shares to five, and that desire, expressed on page 3 at the bottom, was also complied with. All desires were complied with.

Q Very well. Dr. Ilgner, we now turn to Exhibit 2020, that is M-12209. This seems to have some connection with the one we have just now discussed. 'ould you places explain this briefly?

A You are referring to the affidavit of Monsieur Allier offered by the presecution, which he made here on the third of Movember of the provious year?

I Yes. Mr. President, I have to make the following statement in this connection. The Tribunal has ruled that affidavits that are offered only for identification during cross examination do not constitute full evidence; that is to say, only those that have actually been offered and accepted as exhibits. Therefore, I want to explain that this be not taken as a projudice against me on the part of the presecution if I don't comment too much on this.

22 North L8-M-ATD-3-5-Gaylord (Int. Matz)

Dr. Ilgner, give a few brief words about this document.

A Yes. I have seven points. I will deal with them in turn. I want to make a general statement first. This is an information -

22 March-M-FL-4-1-Gaylord (Int. Katz) Court No. VI, Case VI

IR. ANCHAN: If counsel is referring, if Your Henor please, to Exhibit 2020, our recollection is that we offered it in evidence and not for idenmification, and if counsel is under the impression that it was only offored for identification, mold like to correct that now.

THE PRESIDENT: I think that was ascertained, and it is my own recollection that the prosecution's addibit 2020 is in evidence. I have no memorandom to the contrary, and I am quite sure that is correct.

IR. ACHART And if counsel is proceeding on the assumtion in his redirect that it's only for identification, I think he ought to be enlightened.

THE TRESIDENT: Yes, he is entitled to know that. Thank you.

THE "ITHERS: Vory well. This is some information of the firm of Norsk Edro to the Bandus de Paris which was sent by very of Berlin NT/7, for seil reasons during the ver. I have already explained why that had to be some because of discretion. I want to point out a technical error here.

I don't know what the Invlian translation reads, but in the Corman edition it says that: "This is a cortified true copy of the original telegram of the Banque de Paris." This is not correct. This is a reproduction of the telegram sent to the Benque de Paris, and the date which Monsieur Allier states in his affidavit is not proven in any way by the original because the route was channel: Horsk Hydro, Farbon, Raindre, Banque de Paris. I wouldn't attache any importance to this statement. It hear't been proven; at any rate, it's only small matters. But I want to rectify them never-chaloss.

I now turn to my seven points. During cross examination I understood the prosecution to have intimated that the French were not properly informed about the feet that this general assembly of the shareholders was hold. This is an obvious error on the part of the prosecution because, as it is shown quite clearly from their own document, and I quote —

22 Farch-M-FL-4-2-Gaylord (Int. Kata)
Court No. VI, Casa VI

BY DR. WATH:

O.- Dr. Ilgner, I believe we can shorten the whole thing if you morely point out the proper paragraph and refrain from Quoting, because the Tribunal has the document before it.

A.— I want to say quite generally that these phrases are again and again repeated: at the request of Worsk Hydro; Norsk Hydro is able; Morsk Hydro is unable; the point of view or the attitude taken by the Morsk Hydro; etc. These phrases recur again and again. It's quite clearly shown that is is a piece of information sent from Norsk Hydro. In other words, the French had an ample opportunity, unless they more hampered by official regulations, of using their privileges. I have pointed out before already in the second part of the first paragraph that when they deposited their shares in the undecupied part of France, they were given all chance to do so.

Dr. Nath, I must add something here. These are considerations that
we have unfortunately not been able to prove as yet. They are not very
important but I want to prove them nevertheless. We weren't given an oppertunity at first to show what they are. Those are shares of the French
shareholders. Of course, when the Cerman troops invaded France, these
shares were taken out of the safes and taken out of France semetimes, and
when later they were asked to deposit the shares with the banks, of course
very many shareholders were afraid to do so because these shares might
have been blocked or perhaps confiscated. But I must point out one thing —

Q .- Dr. Ilgner, excuse me if I interrupt you. From Document 2018 on page 2, you quoted that the shares were satually blocked.

A.- I am now specking of the fact, Dr. Nath, that those shares which were deposited in the eneccupied part of France and were still under the free disposal of the share holders that they had not yet been blocked — but that those shares might possibly also have been blocked; that the

22 =erch-N-FI-4-3-Caylord (Int. Katz)

spareholders might have been afraid to deposit them in France because they spareholders might happen. They experienced later that the unoccupied part of France was later occupied; furthermore, searthing else that we have not yet been able to investigate — an affair which I never know about, which didn't concern me, but about which I would like to have known now because the Prosecution has made certain assertions. That is the question as to what was really the distribution of the shares in Norsk Hydro. It is very probably that there was never any real French majority, but that we Barque do Faris had certain French shareholders! stock in their safes — these shareholders as their clients, and also certain foreigners. The assemption is that the ratio was about 40 per cent French and 20 to 25 per cent foreigners or other nations. We have get to determine that because the presecution speaks of a French majority in order to exclude any point of objection.

Q .- I think it's shough, Dr. Ilgnor -

A.- Fo, just a minute. I have to say this. In regard to the announcement of the general assembly of sharcholders, this document says, "In the usual manner — that is to say, just as during peace time — " the saferanding of the rights of the French stockholders —" that is also mentioned here. I think you are quite right. Dr. "ath, I can save myself the
trouble of proving that everything was done on the part of Norsk Hydre,
and I think it was the duty of Norsk Hydre to safeguard the justified interests of the French under the very difficult was circumstances. This concludes my comment on Document 2020.

Q.- I should now like to ask you about Document 2019; that is NI-13205.

This is the passing on of the drafts of the contracts to Paris. Dr. Ilgner,

Would you please define your opinion about this briefly?

A.- This letter needs comment. This is a letter of the central finance administration, department of the Finance-Secretariat, signed by Mr. Frank Pahle and Dr. Kerston. It refers to a request of Advokat Bjarne Erikson

22 Werch-M-FL-4-4-Gaylord (Int. Kats)

some have nothing to do with the increase of capital. They have nothing at all to do with the financial and legal affairs, but deal exclusively with technical matters; that is to say, the construction of the light metals plant in Forway. The French wanted very much to know some datails: how much magnesium, according to what processes, and so on. We would have liked to give them that information because we were old friends, but the German authorities, of course, during the war stated that any disclosure of such technical details to a French bank would be unjustifiable accommissally. If we had not observed those regulations it would have been a flagrant act of treason. But on the subject matter itself, Dr. Nath, I want to say that these were not plants of Forsk Hydro but they were plants of a subsidiary, in which Korsk Hydro was participating only with one-third of the stock. That is the state of affairs.

nection with the one we have just mentioned, and if so, would you please somment briefly on the latter?

A.- The connection is very close, and from the previous document that we have just discussed I saved one sentence in order to read it in connection with one sentence from Document Exhibit 2021, because that makes everynting clear. In document 2019, which we have just discussed, the following sentence is contained — this is a piece of information sent from Farben to Morsk Hydro — I quote, "We cannot comply with this request unfortunately because of instructions from the German authorities."

Q .- That is to may, in passing on the technical details?

A.- Yes, the technical details about the construction of magnosium plants in Morway. In Document 2021 now, it says — that is a letter of devocat Bjarne Eriksen to me personally, where he says — and I quote, "To agreed in that meeting that under the provailing conditions it would

22 March-M-PL-4-5-Gaylord (Int. Matz)
Court No. VI, Case VI

not be advisable to send a written statement. It was, however, agreed that one of the gentlemen from Ferben should inform Herrn Wibratto during a visit to Paris, and I told Herrn Wibratto about this. At that time it was included that Dr. Kersten should give the necessary orientation during his trip to Paris which was then imminent."

Q Dr. Ilgner -

A From this it can be seen clearly that Mr. Eriksen was in complete agreement with us that we could never do this and we were never permitted to do this. However, we did take a certain risk; despite the prohibition, we promised them that we were not going to give it to them in writing, but we were going to talk about it.

Unfortunately, shortly after this conference, Dr. Kersten was again called into the Army and the whole affair was forgetten. It wasn't very important and Monaieur Wibratte asked Mr. Erikeen and I was asked by him to undertake this affair.

Since, in the following year, I repeatedly was in France and since I saw Monsieur Wibratte each time although for different reasons, but I am quite sure that because of the way I associated with my friends I told him as much as was possible without getting into a flagrant violation of my duties.

Q I can then summarize and say that you claim that the desire expressed in this document was already complied with by you?

A Yes, these were desires to which the French had no right anyway, but with which we complied because of friendship.

Q I now turn to Exhibit 2022, NI-13027. This is an affidavit of Dr. Paul Haefliger. I believe I am right when I say that this document was introduced only for identification by the prosecution, that is to say —

DR. NATH: Am I wrong? I am sorry. Mr. President, this is also in evidence. This has been introduced into evidence. It is an error on my part.

Q (Continued by Dr. Nath) Apart from that I want you please Dr. Ilgner, to look on page 2 of the German text — that is at the end of the first page of the original — and comment on this paragraph briefly, because the prosecutuion has quoted one sentence according to which you had certain talks with Johann or General Director Pfeiffer from the Kredit-anstalt about the price of the stock.

A To clarify this once more, this is an affidavit sworn to by Dr. Esefliger on the 23d of April, which he gave to the prosecution. I have to admit quite frankly here that I have already evaluated the significance of the affidavit of Dr. Haefliger, but I want to deal with it, nevertheless. During my direct examination, I said that I had nothing to do in detail with the negotiations about the acquisition of the shares of the Sknda-Wetzler Works, and the prosecution undertakes to prove the contrary. Now, the following state of affairs is important in this connection: "Then in May of 1938 the Commissars were appointed and on the last day I had received the permission of the Nagis that the Commissars would be withdrawn, the Reich Commissar for Private Enterprise, Diplom-Ingenieur Raffalsberger, told me that the negotiations with the Kreditstalt should not be permitted to be continued however before we had the written permission of the competent authorities in Austria, and we got this permission only on the 6th of June. That can be seen from a document again introduced by the presecution in Book 52 or 53. Mr. Raffelsberger, however, told me at the time, "You can make a short visit to the Kreditanotalt. They have a new director by the name of Pfeiffer and you can say thellot to him." Mr. Haefliger, who had been given this mission of negotiating and I went together to the Kreditanstalt, where we had a very brief conversation, which was unimportant, actually, with Mr. Pfeiffer, and I told him "We can't carry on any negotiations. Let's not talk about it until we have the permission." Since the presecution was kind enough to give me the photostatic copy besides the missographed copy, I was able to see from the photostatic copy that this particular paragraph referring to the matter of especial importance to the prosecution has been corrected by Mr. Haefliger six or seven times. He has stricken out many words and has written things over, which shows that he was not at all sure. I think that clarifies this matter sufficiently.

Q I now turn to the next document, Exhibit 2023. This is a letter of the Reich Minister of Economics to Farben —

MR. ANCHAN: If your Honors please, we have besitated to object as
to the form in which questions are put to the defendant on redirect. We
think that counsel should put to the defendant specific questions and not
a general question directed to a document and then ask him, "Well, tell
us what it is all about," by way of giving him a general field day. I
think we would save time; we would be within the limits of proper procedure, if defense counsel were directed to put specific and direct questions to the witness with respect to each document.

DR. NATH: Mr. President, a whole number of documents were merely submitted by the prosecution without any questions being put to the witness. Therefore it was apparently laft up to the defense to clarify the purpose of the submission. Through specific questions, I am going to try to state our cause, but I think that my client should be permitted to make some comment.

THE PRESIDENT: The defendant is entitled to give his explanation of these documents. Of course, when he goes to the point of interpreting or telling what they mean, construing the materiality that is getting pretty far afield, because, after all, the documents speak for themselves, but within limitations and in the absence of abuse, it is the opinion of the Tribunal that the defendant is entitled to give his explanation of these documents, in view of the circumstances under which they come before the Tribunal.

Ask another question, Counsel.

Q Dr. Ilgner, you know that the prosecution has printed out various passages in this document. I direct your attention to page 2. Here I ask you first to tell me at what period of time you yourself participated in the negotiations which are discussed in this document.

A Much later. I can be very brief. Because I was in Berlin, I sent this document to Dr. Krauch, because it was important information. The document itself was a letter of the Reich Minister of Economics to Farben, attention Mr. Schnittler, about the correspondence of the Dresdner Bank Ministry of Economies and so on. These are negotiations which which I IF. ATCHAN: If your Honors please, we have hesitated to object as
to the form in which questions are put to the defendant on redirect. We
think that counsel should put to the defendant specific questions and not
a general question directed to a document and then ask him, "Well, tell
us what it is all about," by way of giving him a general field day. I
think we would save time; we would be within the limits of proper procedure, if defense counsel were directed to put specific and direct questions to the mitness with respect to each document.

DR. NATH: Mr. President, a whole number of documents were merely submitted by the presecution without any questions being put to the witness. Therefore it was apparently left up to the defense to clarify the purpose of the submission. Through specific questions, I am going to try to state our cause, but I think that my client should be permitted to make some comment.

THE PRESIDENT: The defendant is entitled to give his explanation of these documents. Of course, when he goes to the point of interpreting or telling what they mean, construing the materiality that is getting pretty far afield, because, after all, the documents speak for themselves, but within limitations and in the absence of abuse, it is the opinion of the Tribunal that the defendant is entitled to give his explanation of these documents, in view of the circumstances under which they come before the Tribunal.

Ask another question, Counsel.

Q Dr. Ilgner, you know that the prosecution has printed out various passages in this document. I direct your attention to page 2. Here I ask you first to tell me at what period of time you yourself participated in the negotiations which are discussed in this document.

A Much later. I can be very brief. Because I was in Berlin, I sent this document to Dr. Krauch, because it was important information. The document itself was a letter of the Reich Minister of Economics to Farben, attention Mr. Schnitzler, about the correspondence of the Dresdor Bank Vinistry of Economies and so on. These are negotiations which which I actually had nothing to dr; materially I had nothing to do with it.

The reason why I was called in from the beginning was quite a matter
of course. On the other hand, in the question of the Chemische Farbrik

von Heyden, there was a banker who participated, Mr. Zinsser. It was
quite clear that Farben on their part should also bring in a man from
the Finance Department. My department was concerned with the execution
of the purchase after the proper agreement had already been concluded.

For that reason, I cannot comment on these things. The last document is
a file note of one of my associates, Dr. Kersten, dated 4 November 1938.

In this Dr. Kersten merely expresses what Mr. Zinsser told him after his
return from Frague and he merely wrote in the capacity of a secretary for
the Farben people.

- Q That was page 8 of the original?
- A I am on page 7.
- Q No, at page 7 of the German.

A Page 8 of the original. In order to show quite clearly, what the spirit was in which this file note was written — the prosecution has made certain intimations — that is to be found on page 7 at the top, in the document. It says, "Director Zinsser reported about the desire of the Prague Verein to be represented in the Aussig Falkeman plant with a certain minority. Mr. Zinsser was best informed about the attitude of the Government and he says, I quote, "Zinsser clarified that even if Farben and Heydon were to consider such a proposition as acceptable, the German government would not give their permission, at any rate.

On page 8 under (d), it says, "Further Assets in Germany," and it is a very important remark of Mr. Kersten's file note about Mr. Zinsser's quotation, "Finally, the Prague representatives pointed out that apart from the plants Aussig-Falkenau, they have a lime factory, a barytes pit, and a lignite participation near Brux in German territory, and the surrender of these would have to be discussed as well."

What we are meant to gather from this remark of Zinsser was that the Prague representatives had showed that they had realized quite clearly that

it would be necessary to give up German interests; that is, they wanted to sell more than we were interested in because here the mentioned participation we never did acquire.

Q That is enough, Dr. Higner. Echibit 2024, NI-10723 is a draft of a letter of Parken to the Verein from Chemisch-Nottallurgische Production, the Association for Chemiscal and Metallurgiscal Production. Do you know if this draft was ever sent out?

A I do not know it. I never saw it. It is a draft. There is no signature. I cannot give you any information.

- Q Thank you very much. The next document, Exhibit 2026, NI-7982 -
- A Excuse me. You should present 2025.
- Q But you don't have this . Yas, you are right.

THE PRESIDENT: Now, Counsel, just a minute. Let us see if we cannot get an understanding about the documents that are not in evidence an I wish the counsel for the prosecution would check what I say: According to my own record, the following documents were identified only and are a in evidence, not subject to redirect exemination, but are available to a sel for the defense if he wishes to make use of them on his own responsantly. Those members are 2025, 2034, 2040, 2041, 2042, and 2-43. First, I correct on that, Mr. Prosecutor?

22 Warsh8-M-GJ-6-1-Arminger-(Kstz)-Court 6 case 6

IR. AMCHAN: That conforms to our understanding of the situation.
THE IERSYDENT: I think that is quite correct.

DR. NATH: Mr. President, then I shall not conduct any redirect examination shout these documents, since they are not before the Tribune as evidence in the sense.

Q (By Dr. Math): Pr. Pignor, please comment on Document Exhibit 2025. This is a circular letter of Farbon, which you signed.

The PRESENT: One moment. I was rether concorned as to whether or not you are shing misled by what the Iribanal has just said. The door wents themselves are not before the Tribanal when they have been marked for identification only. However, the prosecution did ask some question about those documents and you are entitled to have the defendant may what he remove to say concerning the removers about which the questions were asked. Now, the iribanal will not stool see those documents, unless they are subtendently offered by counsel by counsel for any side or the other, but we do not wish to misled you as to the fact that you may interrupte the defendant concerning the matters brought out by the prosecution's questions relative to the documents that are not in evidence. It you wish to do it. It is a little bit confusing, and we wish to make our position clear so that no one will misunderstanding his rights.

Dir. While: ir. President, I am very grateful for your instructions, because I was actually mistaken but since this document was presented for identification, I should like to ask Dr. Ilgner to comment very briefly on Echibit 2025 where the presecution put certain questions about page 4 and at the time you wanted to quote another passage in this document, Dr. Ilgner.

A I can be very brief. This is a report No. 12h, made out in Nuernberg on the 5th of April. It is an affidavit, the sentence which the presecutor read. I will only read the next sentence after this.

"I don't know if Major Bloch actually spoke to Mr. Schmitz." This corresponds to the general line of my statements on direct examination.

Q ligy I then ask you to comment on Exhibit 2026. The prescoution wanted to prove when submitting this Cocurent that even during the time of your illness, you undertook curtain business transactions in your office in Berlin. This is a circular latter informing you about changes in personnel. What have you to say?

A I had understood 1910 on cross-examination, but I can see now that it was in the year 1939. At that time after my stay in the sanitorium in Switzerland, I was in Austria and my oclicagues, Dr. Frank-Fahla visited me with his wife and two brothers-in-law up on the mountain and he brought along a few brief matters that he wanted to discuss with me, but I didn't want to talk very much about it, because I was sick, but this affair about changes in ersonuel always interested me and these were merely presentions which were made on the lat of May 1939. I didn't sign them myself, to be quite clear about it. They are signed by a membedy also, but I am responsible for them. That finishes it. Then one is very ill and in bad one can still sign a document.

9 That is enough, Dectar.

A No. I want to say scenthing else, because there is senothing in this document that might be misleading. It can be seen from this document that in 1939, Dr. Terhaar took over the responsibility of the Chief of the Political Department, but since I wished that Dr. Unttineou who, since the 1st of January 1939, had him office in Brastislava, Slovakia, should have the possibility of easing back, this would be the task in chief and since I further wanted Dr. Terhaar to profit directly from Dr. Gattineau's experience, I therefore chose the expression that Dr. Gattineau maintain the position of the Supreme Director.

Q The next exhibit, 2027, NI-11314. This is a letter of the Foreign Office under the chte of the 25th of February 1936. Dr. Ilpner from the first paragraph of this letter, it can be seen that the Foreign Office made certain subsidies to the Vareinigung Carl Schurz, the Carl

Schurz, the Carl Schurz Association, or that it premised certain subsidies to the Association. Would you first tell me briefly if that is correct, and, if so, whether and to what extent these subsidies were made.

A The association Cirl Schurz was financed from their ewn funds from scenary, 200,000 Marks, according to my accord. For the Cultural Department of the Poreign Office, there existed a fund for cultural associations and organizations and it was my principle that when I was asked for a favor from an official agency, for instance to take over the Reception Committee for the Diyapic Games, that then the official agency should pay for themselves from their own funds. The Poreign Office name scenarios. They only approved an appropriation of 25% and the reason why they made such scenarios was the following — and I am very grateful to the presocution for giving to this letter, because we would not have than able otherwise to find it: It shows the relationship that the official agencies had with the Cerl Schurz Association. At the bottom there is a sentence. I want to rend it to be quite brief.

Q I wanted to ask you about it, Dr. Ilgner. Perhaps it is better if I ask you. From the third paragraph one can get the impression that the Association Carl Schurz became active in the foreign politics.

What do you have to say about that?

A I will be brief, as brief as possible. I was represented by the Foreign Office where I made a certain speech during a lunch when a representative of the Foreign Office was also present. Am I to say what kind of a speech I gave?

- Q Only the title.
- A It was our wint in the Verwinisung Carl Schurz when in the American embassy there was a new member that we would give a wolcome lunchoom. This was a small lunch where Ambassador Dodd had appeared and the counsellor of the Embassy I am sorry, I don't know his name, but he came in in 1936 and this was in February 1936 he came in from Japan where he was counsellor of the Embassy and he became the counsellor in Berlin.

I gave the walcoming address at the table where was also Dr. Diockhou'f and a few business people were present — it is important that I mention that Mr. Diockhoff was present, because onharwise he couldn't have known of this affair, when I walcomed the Counsellor of the Embassy, I said, "You had now from the Far East. I was there too last year, and you know very well, counsellor that if we lives in the Far last one hasn't the faeling that one is an american, or an Englishman.

One doesn't even have the facing that one is a European, or an American. One is a Vesterner as opposed to the Far East and this feeling of solidarity in the Testern culture is also that guides us here in the ansociation Carl Schurz." Momever, since at that thes German Foreign politics began taking up friendly relations with Japan, I said semething which was diametrically opposed to German foreign politics and that is why I was represented. I burned my fingers.

Q Dr. Ilgaer, in this document it is pointed out that the Carl Schurz Association would exclusively deal with cultural and social functions. Did that happen repeatedly?

A That is the very seem thing that the official agencies reiterated to us and which was in keeping with our old traditions of Cultural and Social functions and during the Olympics Games this social factor was especially recognized.

DR. NaTH: Mr. President, I believe this is a suitable moment to make the rocess.

THE PHESIDENT: All right. We will rise for the recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session. BY DR. NATH:

- Q Dr. Higner, I shall now continue. Would you please look at Exhibit 2028, that is NI-14315. This is a file memorandum, and would you please, first of all, tell she wrote that memorandum?
 - A It was Dr. Draeger.
 - A And who was Dr. Drugger?
- A He was the business manager of the association Carl Schurs.
- Q Ware there any relations between Schurz and the Tibbentrop office? would you please any something about that?
- A You can't say vary well that there were any relations between them. You asked me to be vary brisf, and I think I can deal with this entire document with one sentence. This document shows the nature of the compromise which we were forced to enter into when dealing with authorities. I shall only quote five words of this document: "In order to avoid unnecessary friction."
- This is also a file memorandum of the 30th of June, 1956. Who wrote this memorandum?
 - A That again comes from Dr. Dragger.
- I direct your attention to page 3 of the G. man translation; this is page 5 of the original. The Prosecution mentions the sentence where it is stated that the consulctes were used with respect to establishing contact with Americans. It says that the consulctes predominantly serve aconomic purposes and give less rise to any suspicion. Would you please state your view on that?
- A This file note of Dr. Draeger's shows the tremendous care which we as well as the authorities exercised to see that cultural organizations like the Carl Schurz association would not in the least be suspected of carrying on propaganda. Here we are particularly concerned with the fact that a number of professors

and students, Americans, had connections with us and our business manager Da Haas carried on correspondence with them. The question had come up whether they should be appointed so-called corresponding members; for instance, I was the corresponding member of the National Gangraphical Society of Ashington. Dr. Leitner thought that it would be better not to do that, because the americans wouldn't be very honored by that. If there were any interesting panple who were interested in the sine of the Carl Schurz wasneistion, why n t gat in touch with the consul and write him a latter and if the consulate wishes it, he could contact those who are interested in this country, as it holds true f avery consul in every o untry. Dr. Laitnar's minion becomes clearly apparent from the following brief santance: "On the other hand he considered it necessary that the organisation Carl Schurs confined itself strictly to dealing with Garcany." That was in line with the Carl Schurz Association policy and it becomes very clearly apparent from this file n to that the testimony I and a in direct examination was correct. to wit: That the Carl Schurz Association firstly carried on no propaganda; and, see ndly, that the official agencies in no way influenced the Cerl Schurz Association. On the contrary, they always had the motto - Caution, caution, and more caution. And finally, let no state -- I think the document really spanks for itself -- that the Ass cittien Carl Schurz undsavered to awaken on understanding for the United States in Germany; that is to the contrary; we made propagands for America in Garmany; we wanted to make it clear to the Garmans what America really is, and I again quote: -

- Q Dr. Digner, let us be a little more specific.
- A That ispends 3 of the document; page 4 of the original, the top of the page; page 5, line 3, and it says there and I quote: "Moreover, it would have been clear that it was necessary to give the Germans more opportunity now to travel to America, especially as such trips were also to have the purpose of spreading an under-

standing for America in Germany."

Q The next exhibit is 2030; that is NI-14534. It is a letter by you, addressed to Dr. Draeger. In this letter you define your attitude toward the file memorandum, that is to say that document which we have just discussed; that is Exhibit 2029. I draw your attention to German page 4, paragraph 5; it is page 5 of the original. You confirm here that the thought of close contact with the consulates assumed to be correct according to your opinion. Would you please explain this document supplemented by your previous statements?

a at first I must correct my testimony during cross exemination by Mrs. Kaufman, or, rather, I must correct Mrs. Kaufman's
understanding and that is that it is not a latter which was submitted
to me for my signature, but rather that was a latter which I myself
dictated with all its details. This latter serves as a good example
as to how I desired the Carl Schurz association to be managed. I
stand by this latter fully. It mainly shows the general tendency
of our sime. With respect to the question of the consulates, there
is nothing I could add. I shways tried to enter by the front door
and never through the back door, and that is also expressed here.
One more remark in conclusion, which may perhaps show the spirit
which I expressed in my latters during the second half of 1936;
I suggested an advisory council of four bankers, and one of these
four bankers was the Jawish banker Kamptour, who was a friend of
mine and that is stated in that document.

A Dr. Ilgnar, I am now turning to the next document, Exhibit 2031. This is the book submitted by the Prosecution, the diary
of the American Ambassador Dodd; it was published in Switzerland or
London; at any rate, not in Germany. Do you have this book before
you? First, let me ask you this. Did you know the excerpts quoted
here from the book before I started your direct examination?

A Dr. Nath, we had intended to mention this passage during

direct exemination but we agreed, in order not to burden the record, to strike these passages, but, since the Prosecution has brought it out, I have to go into it. You asked me about the book. The book was written by Mr. Dodd's children. It may be that I learned to know than when visiting their parents; I don't want to do them an injustice, but in Barlin they were known as parlor pinks.

THE PRESIDENT: Just a moment.

The ALDEAN: The object to the testimony with respect to
the book itself; as to the facts we have no objection; but, he is
not in a position to testify about the book; we questioned him about
certain facts as to whether he participated in certain conversations
with Dr. Dodd, and, to refresh his recollection we showed him an
entry of Dr. Dodd as shown in the diary. Now, as to the publication of the book and other matters of the book, we think all that
is incompetent.

THE PRESIDENT: The Prosecution mode some statements, did it not, about this book; what it was, and where it was published, when it was published. If this witness knows anything about those circumstances, it seems he ought to be entitled to tell it.

12. ALCHAN: If he lays such a foundation, I will withdraw the objection: no foundation has been laid.

testified for the Presecution about the book; perhaps what was said was said by Counsel, and should not be considered by the Tribunel any way. Perhaps a sefer thing would be for the defendant to limit his testimony as to the book itself, unless he wishes subsequently to make some showing as to the certain circumstances under which the book was written or matters of that kind. There has been no testimony about the book; parts of the book are before us. The witness should be permitted to testify about these parts or any other parts of the book since the whole document is now available to the Defense.

22 March-M-FI-9-1-Loomard (Int. Ramler)
Court No. VI, Case VI

ET DR. MATH:

Q.- Very well, Dr. Ilgner. Would you please briefly state your position with respect to Exhibit 2031 and would you, in addition to that, make a brief remark in connection with that book, if you have anything to add.

A.- At any rate, it was my intention to be very brief. Through the kindness of the presecution I have this book before me and I can confine myself to a few remarks.

Q.- Tell, Dr. Ilgner, you already knew this passage in this document before it was put to you during cross examination?

A .- You.

O.- Secondly, in spite of that, you stated during direct examination that Ambassador Bodd had briendly relations with you personally as well as with the Association Karl Schurz?

A.- Yos.

C .- You stick to that, do you?

A.- Yos.

Q .- Vory woll.

A.- I shall only quote one massage on two pages. On page 397, Mr. Dodd writes about a jir. Menfathenel who later escaped, and I quote: "I have noted at the Mari Schurz lunchoons that he was rather free in criticizing Coebbols and others in the regime:" That is to say, at the table im freely criticized Goebbols and the entire regime.

by Mr. Dodd but by his children after his death, I should like to quote this on page 385: "Ilaner announced in Chile that, I believe, he was Schacht's representative there." Now, Mr. Dodd knew exactly that I wasn't an employee of the Reichsbank, but an employee of Parbon. But I'll be brief.

I quote from page 425. This is about a correspondence between the publisher of this book and another man who is also quoted in the book. The name of that man is Sir Nevilla Handerson, the English Ambassador in Her-

22 March-M-FL-9-Z-Loomard (Int. Remler)
Court No. VI, Case VI

lin, and I quote: "The following correspondence has passed between the publisher and Sir Heville Henderson: "I'm about to publish", the publisher mittes, 'the diery hept by Milliam E. Dodd during the period of his duty is United States Ambassador be the German Reich!." And further: "'It octurs to me that ir. Dodd may have misunderstood you. If so, I shall be very glad to publish a footnate by you correcting his statement!."

And now I shall read from the ensure of Noville Hunderson to the publisher, Victor Collanez. I shall quote only a few passages. I quote: "Even that is difficult as Nr. Dodd....."

MR. AMCHAN (Interrupting): One moment, please.

THE FRESIDENT: Just a moment. Just a moment. Lot's hear the objection.

IR. ANCHAN: The objection is that enything relating to Sir Noville Wonderson and the publisher is wholly irrelevant to the issues raised by the defendant and the testimony.

DR. MATH: Your Honor. Your Honor.

THE PRESIDENT: Now this book has been made available to counsel for
the defense and to this defendant by the presecution and the presecution
has likewise offered parts of the book. When parts of the book are thus
made accessible, the other parts are made available to counsel, and, with the reasonable limitations, counsel has the right to point out anything
in the book that goes to the seight of the parts of the book relied upon
by the Presecution.

The objection is overruled.

EY DR. MATH:

A.- Only seven lines. I quote: "Yet, even that is difficult as her. Dodd's recount is so misleading in any case."

Secondly - all these are remarks made by Sir Neville Handerson "But, as Dodd quotes ma, I would look as if I had wished to get Meurath away
from Berlin, which is absurd."

Three: "It is quite inconecivable that I should have spoken as Bodd records."

22 March-M-FL-9-3-Loonard (Int. Ramler)
Court No. VI, Case VI

Fourth: "The remark attributed to me that England and Germany must desired the world is pure balderdash and hardly fits in with the proceding sentence about the United States."

Sixth: "The whole passage is most misleading and utterly innecurate."

Seventh, and finally: "Fersonally I like Dodd and I believe he was

competent historian."

Q .- Dr. Ilgnor, I think we can leave that document now.

I now turning to the next document, Exhibit 2032. That is NI-14517.
This is the Ferben report on your Latin-American trip of 1936. The Prosecution submitted this document in order to prove that we are not here concerned with business interests of Ferben, but rather political interests.

In particular, with respect to the training of new people in these countries. Please comment briefly.

A.- That has nothing whatsoover to do with politics. I said in my direct examination that it was a matter of course that I would endeavor to train foreign employees to have loyal attitudes towards Germany. That's in our economic interest. In addition to that, Dr. Dietrich when on the mitness stand has said the same in connection with South East Europe. I don't think any more mood be said about it.

O.- The next exhibit is 2033, NI-5619, Those are minutes of a meeting of the Commercial Committee of the 20th of January 1938. On page 4 of the Garmen text the prosecution draw our attention to paragraph 6 headed "No-bilization Project." You already testified on that during direct examination and would you briefly clarify what the contact was between the Vermittlungs—stelle-W and the commercial matters concerning the economic policy department.

A.- I shall just give you class. Mobilization question means questions with respect to deferment. That deals with the reintroduction of military conscription which is a natural matter which has nothing to do with proparation for a war and cortainly not with proparation for aggressive war.

22 March-M-FL-9-4-Loonard (Int. Remler)
Court No. VI, Case VI

It is stated here: ".... the result of a conflict between the technical and the commercial agencies." That is to say, between the Vermittlungs—stelle—7 and the MIFO. I managed to adjust these differences, together with lim. ter Meer. It is further stated that pherever interests of the entire Ferben concern are touched upon, the TIPO should have the predominant position with respect to commercial questions and the Verm ttlungsstelle—W with respect to technical questions, and both of these agencies are to adjust any differences in the interest of the entire concern.

Q .- Dr. Ilgnor, when porusing that document, paragraph 4 on page 3 came to my attention. The document bears the date

A. (Interrupting) - That document are you referring to ?

nuary 1938. German page 3, paragraph 4, "Foundation in England" is mantioned. That is, the foundation of a Parben factory in England. It is mentioned in connection with Count I, Knowledge of Aggressive Tar, and would
you planse tell the Tribunal what you know about such a foundation of a dye
stuffs factory in Great Britain as it refers to any potential knowledge of
an impending war?

A.- That belongs to the same empter which has already been don't with here, that Farben, up until imminently before the outbreak of the war, was founding factories and plants together with its foreign partners. That was in line with Farben's policy and whoever has any inkling of the outbreak of a war would cortainly not do that.

Q.- Dr. Ilgner, our next document is Exhibit 2034. You have a photostat copy of that document before you and it deals with an appendix to a question-naire by the Filitary Coverment.

A.- Yes, this is an appendix of AO pages to a questionnaire which I made out on the 26th of January 1946 in the camp of Creasburg. Since I heard at that time that one would be punished by the Military Government with heavy sentences in case anything was left out of a document, I endeavored

22 March-M-FL-9-5-Leonard (Int. Remler)
Court No. VI, Case VI

to put in overything which I could think of without having any material at my disposal, including the errormous information given to me by my collegue, Haefliger, which he received from an interrogator in 1945 in a camp mear Frenkfurt to the effect that I had written an article concerning the annexation of Austria in the plant nowspaper. Since I didn't remember that, I thought: "Icll, let's exercise due caution", and I wrote into that questionnaire that I actually had written an article. However, that article in the meantime, was presented by the presecution in Hurnberg as a prosecution exhibit, and the author of that article is listed as the former chief of the Press Department of Perbon, havin Fassarge, of whom I already said that he was formerly the feature writer of the Vessiche Zeitung. I always called him "Mario, the lyricist."

4.- In that case, am I correct in understanding that you personally had nothing at all to do with this article to which the Prosceution is referring here?

A.- Not ot all.

22 War 48-M-AJ-10-Y-Leonard-Remler Court & Cass 6 Q. Dr. Ilgner, the next document is Exhibit 2035. NI6072. Those are minutes of a meeting of the Commercial Committee of the 22nd of april 1938, concerning Czechoslovakia. The prosecution refers to one sentance in that document, according to which you suggested that the Sudaton Gorman Froms be used to a greater extent for purposes of sublicity. Would you please tell us briefly what you reant by that? 4. This simply means that, for purposes of advirtisement of Parton and for inserting of pro-Farbon articles, the Sudeten German press was to be used to since the othnic German groups in the Sudetenland, in their attitude towards Forbon, were very unfeverable and unfriendly. I think that this subject will be mentioned by others and very enlightening material will be presented and I therefore need not go into this point. Q. But, Dr. Ilgner, I do munt to hear from you whother these are purely business interests? 4. Yos, of course. Q. then introducing this document, the representative of the prosecution, Mrs. Koufman, said that at this Commercial Committee meeting, I quote: "The short trust into Czochoslovakia was discussed." This does not became apparent from the document itself. Do you know of anything which could refer to any such remark made by the prosecution? 4. The pords "the short thrust" I rend here for the first time in an affidavit of Mr. Haefliger submitted by the prosecution. I nover heard of it before end there's no mention of it in this document. Q. Dr. Ilgner, the next decument is Exhibit 2036. This is a Tomo of State Secretary weizsacker of the Foreign Office of the 26th of april 1938. Since the document is very brief - it only has a few lings - I ask you to say with just one word what the content of this document means. ... Jell. I can hardly use one word. Thisrefers to the Kieler cock. Then I talked to Mr. Schacht, I told Mr. Jaizszecker, with thom 9763

22 Mar 48-M-AJ-10-2-Leonard-Ramber Court 6 Case 6

I had social relations, that the President of the Canadian Pelegation had told me at the Congress of the IHK and I mentioned it here already during direct examination, and I suggested that a small circle of experts should get together in order to settle that metter and in order to make clear once and for all that were the German foreign trade methods and that I should make it clear that we could not evaluate than the same way as the podnd and the dollar. We had to choose other ways. That was the conversation and Mr. Weigseacker wrote six lines about it.

- Q. Dr. Ilgner, I shall submit an affid wit of Mr. Maissaccker to that effect and I shall now turn to the next document. Axhibit 2037.

 This is an excerpt from a speech you made on the occasion of the Vienna meeting of the Central European Trade Conference on the 2nd of September 1940. The prosecution introduced the document because an indication is contained the rain from you with respect to the foreign policy of the Greater German Reich to which you refer. As I understand the prosecution's assertions, this allegedly is supposed to be identical with your views. Would you please state your position on thet?
- A. This is the speech which Mr. -mchan asked Mr. District about on Friday. He had the original in his hand with all the nice photographs which are supposed to depict all these Maxis. They really weren't Maxis. General Cauti or was very anti-Nazi, but that's merely on the side. But there's no mention in this document that I said that that was our policy too. I merely said that the economic activity follows as a result and not that it was initiated by the official agencies.
 - G. Dr. Higher
- A. Districh talked about that and I think the whole matter is sufficiently clear.
- Q. The most document will be Exhibit 2038. This will soon bring us to the end of the documents which we have to discuss. It's NI 14319. This is a note of Mr. Fischer-Jachno of the 24th of June 1943 which he made in preparation for conferences with various agencies. Would

22 Mar 18-11-15-10-3-Isomera-Remier Court 6 Case 6

you plasse tell me that this mame means? In particular, whether it is true that these are the guiding principles of the Roich Broup Industry which Fischer mants to present.

In Mr. Fischer-Jachne was the chairmen of the Advertising Committee of Ferben. He made purely internal notes here. I don't know than and they are not very interesting, but it electly becomes apparent from these notes that he is repeating here the directives of the Feich Group Industry, directives which were discussed by Schnitzler, as the bad of the Fair Committee, with the Reich Group Industry. The whole enter is a normal business antter.

Q. Dr. Ilgnor, as I correct in understanding you to say that those are not Forton ideas?

... I don't out to comit myself to a datail which never fell mithin my sphere of work and with which I was never concerned, but when reading this document you will see what it is about. These were merely directives.

L. That will suffice.

The next descent will be 2039, NI 10568. It again is a report of the marting of the Commrcial Committee of the 25th of June 1943.

Is it a fact that this document refers to the contents of Exhibit 2038 which was just discussed?

The Transfer of the provious exhibit the official directives are mantioned, but in 2039 to see what Friedrands of them and that was, toolvo drafts for Farbon products, drawings which we used for advertising for Dayer aspirin, etc., and other products.

put some documents to you. These are Exhibits 905, 906 and 907, and also Exhibit 806. The first three documents are found in Document Book #9 of the presecution. These are reports of Mr. Hemmin. Would you please briefly tell us the Mr. Hemmin was and what you know about the contents of these reports which are mentioned in these exhibits?

- i. Ir. Romann, in approximately 1938 or 1939, was appointed Serbon liminon man. He compiled a few reports during the war, particularly efter the outbrook of the war eguinst the United States. These reports gave us a good survey of the developments in Latin -merica and also of the rubber production as it concorns sales to the United States. It does with the black list compiled by the United States and other mitters which are usually reported by a conscientious re presentative of firm. Unfortunately, I didn't meet Mr. Romann when traveling to South warien, because, at the time, he was vacationing in Europe. At that time he man't as yet Parton limison man. At that time it was Mr. brunck ann. But the prospection has submitted so much esterial on Mr. Account that, for the record, I have to state briefly that we have dooumainry proof about the personal conduct of Mr. Homens who is considered to be a decent and honest business men. He did his duty in Argentina and he received a Certificade di Buonn Conducto, a good conduct certi-Monto.
 - Q. .. little slower, ir. Ilgner.
- A. His property was unfreeze and he continues to work as a temperated pen in the same way as he did. I think that these are reports which are secondard inspired by the war as was quite usual in war, but I always thought of Mr. Homens as being a decent end officient business when and I consider all those susplainess of aspiences in the same way as those raised elsewhere during these proceedings.
 - Q. Whore does Mr. Homann live at the moment?
- A. Mr. Homann is a free Gorman citizen. He is in Argentine.
- DR. N.TH: Mr. Fresident, that brings as to the end of my

THE PRESERVED For, do any other of counsel for the defendants have any questions for this defendant? Apparently not. Does the prosecution have anything further?

ME. ECCAM: Yory briefly.

BECROSS EXAMINATION

BY VR. AMCENT:

Q Dr. Ilgner, you referred to some Farben representatives working in Manchester, England. Now, is it not a fact that those representatives of Farben who were working with the I.C.I. in Manchester, England, helping them called back to Germany by telephone on 25 August 1939; Isn't that a fact;

A On 35 August 1939 I was no longer on duty for the past 7 months, as you know, and unfortunately I can't toll you anything about that period.

MR. ANDEAD: We further quest' ne, your Honors.

- Or. Ilgner, are there any living former nembers of the Parbon Verstand who are not indicted in this case we are trying?
 - A You.
 - Q Yould you give so their names, please.
 - A Dr. Brucggemann-
 - Q Well, to was indicted but he is not being tried.
 - A May I ask Your Honor also, retired or active.
- Q Bither one. Just who were formerly members of the Verstand.

 A Beeides Dr. Brucegemann and besides Professor Lautenschlaeger there
 are Dr. Kenstantin Jacobi, Dr. Pister, who was eften mentioned here
 in the trial, and Dr. Gau well, but he was before the war before the
 war already a member of the Supervisory Board. He had already left the
 Verstand and was already a member of the Supervisory Board.
 - Q What is his nome?
- A Dr. Gau __ G_A_U_S, Well, I's not sure. Maybe Westrup is still living __ I didn't knew that, And Professor Wiegand I think is dead.

- Q. Well row, Dr. Ilgner, I have taken you quite by surprise by this quantion, but I am interpreted in obtaining information as to any former appears of the Verstand who are living and who are not indicted in this case, and how long they served on the Verstand and when they left the Verstand. Now, I don't require that information from you right now, but may I suggest that one of the other defendants who follows you on the witness stand be prepared to answer my questions about that.
 - A Tos, y ur E-nor. I will do that.
- y Now, one now question. You testified, I believe, that some time prior to the fevolution of the American deliar by the United States a verticut, Ferior twind, or at least held, credits against the American deliar of one hundred million Delchmarks, and that by the time the dellar was actually devaluated your charges against the dellar were reduced to now.
 - A More or lors.
- w libw. What I'd like to he w is -ver what you d of time did that function take place?
- A I would say about one year. That mosns our invoices firecely, if
 "ey were sent in deliars now they were sent in Swiss france or French
 frace. So we stopped out the deliar and we need about—well, to
 recomplish that perhaps only the last months we did it, but the question
 e pridering the ressibility whether the United States deliar will devaluate
 I emsidered since the resent when the pound storling had devaluated. It
 "es just, let me say, an economic currency question.
- I I u thought that the devaluation of the dellar would likely
- A Tos, but for quite other reasons, that were internal reasons, bethe incobtedness in the United States was so high at that time,
 and that by the elaborations of the VCFI and my own studies I came to
 the conclusion that there must be something done to cut that indebtedness.
- Q By indebtedness do you mee public indebtedness or private indebtedness?

A Public utilities, farmer business, - especially this.
JUDIN TRIS: Thank you. That is all I have.

THE PRINTER: Anything further of the defendant Ilgner? Mone being requested the Pribunal new excuses the defendant from the witness box.

NR. ACCEST: With respect to Jurge Kerris 's question about surviving conters of the Verstand, whatever information would be meaningless riese coupled with that information there cames forward the following facts. First, is the member new alive; was he alive at the time of the indictment; was he within the jurisdiction of the prosecution so that he call physically be brought to Meannbors; during what period of time within the Farber Verstand was this follow active. I state that for the resent that the presecution, at the time it drew the indictment, therefore to bring within the charges every living member of the forstand who had an active position during the period covered by the derives as set for the in the indictment. There may have been one or two who were not available, who are deceased, or who had retired from active temperature of the effairs of the company during the period in question, I aly make that observation because unless the facts which your Hener has in sind have the further information, it may serve no useful purpose.

JUDOS IT IS: I might say, Mr. Pronoming. I have in mind desiring this information and with regard to some defendants, I will nak questions with will. I hope, produce the information I desire. If you think that that information reflects in the prosecution and needs a me explanation, of course you will be afforded that operations.

NA ANCHA: No, we didn't uncerstand that any reflection on the presention was intended. We just thrught that it might be helpful to tell your Emer just what the presention had in mind at that and perhaps it light assist you in pursuing whatever objective you may have in mind.

JUDGE MC PIS: Very woll.

T. JATE: Your Honors, the examination of my client has been concluded

22 March 1943_LUSD_4_Wills (Resilor) 0-urt VI, Opec VI

and with the permission of the Tribunal I should now like to call my a st witness, His Highness the Duke Adolf Friedrich of Mediclenburg.

THE PRESERVE: The Morahal will bring in the witness.

(Adolf Friedrick of Macklenburg, a witness, took the stand and testified as follows):

THE PRISIDETT: Will the witness please remain standing to be sworn, raise his right hand, say "I," and state his name for the record.

THE TIMES: I, Adolf Priedrich Duke of Mecklehung.

THE PRESIDENT: Now, please repeat after me the math - swear by God the Almighty end Consscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

DIRECT EXACERATE N

H B. ALTE

Your Houses, at first I shall put a number of general questions to the witness concerning the personality of Mr. Ilgner and afterwards I shall ask his about specific facts. Your Highness, would you be good mough to explain to the Tribunal, in a few sentences, what your career was:

A I was born in 1874 at Schwerin Mecklenburg, the Crand
Driv at the time. After finishing my atudies I joined the Cavalry of the
Devis in Berlin where I served as an officer for ten years. In the
Tear 1907 I carried out a number of expeditions for scientific purposes,
I went to Africa. From 1912 to 1914 I was the governor of the German West
African colony Togo. After the First World War I made six trips around
The world — three times to Africa, once to the Dutch Indies, leating
The year, and twice to Latin America. Now I am the president of the German
Diveple Committee and at the moment I am the only German member of the
International Olympic Committee.

4 An I correct in saying that Your Righness is now seventy-four years

A Yes.

V Yere you a member of the HSIM or one of its affiliations?

- A Mo, never.
- Q How long have you known Dr. Higner?
 - A I made Dr. Ilgner's acqueintance in 1931.
 - Q And how did you neet Dr. Ilenor, Your Highness?
- A I not Dr. Ilgner through Baron von Francenstein who, at that time, was the vice-president of the German Automobile Club. I was the president of that club.
- Q An I correct in saying that Your Highness knows Dr. Ilener very
- A Yes, I came to know him very well. Fot only through social occasions, but I had personal contact with him. I went to his house. To went bunting to other, and we had very friendly relations.
- Q Would you say that Dr. Ilmer, considering his ontire personality, should be considered a parasite, an exploiter of the Third Reich?
 - A One couldn't possibly may that,

MR. AMEAN: We would object to counsel sug esting answers to the witness and longing him.

THE PUSITE That is quite leading counsel. Try to avoid leading questions so much as possible.

DR. Julia I shall endemyor to do soo Your Henor. May the witness roply to my question?

Ferhaps for the record repeat your question, if you are not sure, coungel.

BY IR. MATE:

- Q I toink, Your Mighness, that will suffice.
- A Well, shall I continue? I said one cannot say that.
- Q Well, that will suffice. Many thinks. What can you say about Dr. Ilgner's attitude towards persons who, according to Fasi terminology, had been designated as Jews?
- A I know very well that Dr. Ilener beloed racially and politically persecuted people as far as it was within his power. It is known to me that personalities who, by order of the Party, were to be dismissed, were

9772

not dismissed by his. I also know that such personalities, if he couldn't find a place for them in Germany, were sent to some foreign countries by him. With respect to personalities racially persocuted I should mention fenciarat Laderer, Herr von Haltsev, and Herr von Fluegge. Politically persocuted people were Herr Von Hassel, Herr von Bornbostel and the Councilor Forster — legation conneilor. I also know that he continued to have relations with foreign Jowish firms. I am referring to Contral Accrica, for instance.

- Q I think, Your Highness, that will suffice. Dr. Ilgner, in the year of 1933 and 1934, belonged to a circle of industrialists who had been called in by the Propaganca I mistry as advisors. What do you know about the personalities belonging to that circle?
- A Yory little. Would you please ask your questions somewhat more specifically. I am unable to arswer them in that manner.
- Q Dr. Diolm was one such member. Does Your Highness know semothing
- A Mr. Dichn was a big-time international businessman. I think
 for twenty-five years he held a leading position with the firm Den Meyer
 in Singapore. After he had come to Germany he became the president of
 the potash syndicate. He was everything but a Masi. He was well informed
 politically and couldn't be called a Masi.
- & If I unforestand Your dighness you mean to say that he was anti-
 - A Woll, he was a commercial man well-informed internationally.
 - Wany thanks. Do you know Mr. Otto Christian Fischer?
 - A Yes.
 - & He is also a member of the circle.
- A Otto Christian Fischer was the president of the R ich Credit Institute and he was a banker of considerable significance who was well informed internationally.
 - Q Doos Your Eighness know the name of Max Hahn?
 - A Yos, Max Hahn bolonged to Dr. Jung's circle. Dr. Jung was later

purfored by the Magis. I think that will characterise him bost of all.

- Q I am now turning to another point. Since 1931 Dr. Higher was a needer of the Automobile Club of Germany. Does Your Highness know some-
- A Yes, I believe that the main reason was the Louna gaseline. I know that the synthetic gaseline produced at Louna was subject to severe attacks. Baron wen Brandonstein, when I should like to mention as this point, pleed himself at our disposal in order to bring counter proof. There were tests lasting for menths on his motor car and all those tests proved that all the asserations were untenable and that is how these two year malitics met.
 - Q De you nom Dr. Blaner?
- A Yes, I much Dr. Haner and Beron won Brandonstoin. I think that I -k that occasion to ask Dr. Himor to join the club. Beyond that Dr. Haner know that the Autombile Club of Germany had and relations with freign clubs. Since he himself advocated international communic understanding. I think that consideration may have played a part too.
- Q You sixtedy said that Your Sighness yourself was the president
- A Yes, I was that for fifteen years, also during this particular paried.
 - Q Did Dr. Ilenor hald my position in the automobile Club?
- A If I am not mistaken, in the year of 1932 he became a vice-
- to his connective as vice-president of the Automobile Club did by. Hence become active in any way with respect to the aims of the Automobile Club?
- A Yes, Barron was Brandenstein spoke to me about Ilgner and he continued that he was a very impulsive and very significant personality especially in regard to international business relations, and he showed this quality immediately after his appointment as vice-president. One day Dr. Ilmer come along and said: "The people cutside den't know Germany

at all. We, whose tendency it is to be in good terms with foreign countries, went to invite up foreign friends to comeny in order that they mad not merely confine themselves to reading German newspapers, but so that they may have an apportunity to envince themselves personally about Germany's status after the First World War." That actually happened.

Q I bog your perdon. Your lighness is now speaking about the time prior to 1933;

- A Yes, indeed.
- Q What specific our detions was made by Dr. Ilener in order to promote the seid ecoperation prior to 1933?

A As I already mentioned, he wanted to afford an opportunity to foreign countries to inform themselves personally about the conditions in formany in every sphere, and he was particularly interested in future international comperation which was the neutal reason.

- Q Your Minoss, may I give y u a cue home journey.
- A You, that is executly what I wanted to mention. At that time the samualled journey have assemble ut.
 - Q Woll, would you briefly explain that to the Tribunal?

A Well, they were invited. They came to Berlin. They were housed in the best betels and the next day there was a trip through all of Germany There was a fixed plan but it was the degratically adhered to. Special white were always taken into consideration.

This specified journey through our homeland, was it successful, and if it successful, and if it was did you decide upon a repetition?

A Yes, this trip was no successful and the letters which we meetined from foreign countries were so cordial that we decided to arrange a second brip of a similar nature. At that time the so-called industrial trip was arranged.

U Do you know what prompted Dr. Higner to make this suggestion to

A If I am not mistaken Dr. Ilgaer received information from Sweden from his wife, who is Swedish, that large industrialists in Sweden — what's the mame, I we forgetten — had been invited by the English

9775

Followation of Industry, in order to inspect industrial achievements in Great Britain, and then he said, "Well, let us do the same thing."

I immediately agreed.

& In what way was this industrial trip carried through? The one in 1935.

A Cur foreign guests were partly fotched from their countries in special simplenes. Then they emo to Berlin, and then started, in the same way as was the case on the recession of the journey through our brookend, the industrial trip through formany — with special explasion a industry. The tendency was the presention of sutual communic relations with particular explasis on expert economy.

Q Your Highness, what p rt fid Dr. Ilgner play in the carrying out of this industrial trip;

A lifter having received the guests in the Automobile Club of forway, Dr. Ilgner took the floor and explained to the guests the air and the purp se of that industrial trip.

- O Does Your Highness perhaps remember one significant sentence from that speech?
- A Yes, he said at the time, "We industrialists are all in the same boat" -- and that was the tenor of the speech.
 - " Did Dr. Ilsnap initiate many similar such ventures?
 - A Yes, many much ventures.
- C. Your Highness, would you please pause after my question so that the interpreter may catch up?
 - A Yes. There were a number of such trips.
 - Which ones are you referring to?
- A The next one was an invitation to the Kiel Week, a sporting event. Prior to the First World war the so-called Kiel Week was a parallel enterprise with the Cows yeek in Great Britain and it was carried through on a large scale.

On this occasion the guests were to be afforded the opportunity to discuss with leading industrialists such matters which were in the mutual interests of both countries, also bearing in mind the tendency of economic cooperation as a contribution to world peace and understanding among nations.

- The segain the automobile club of Germany?
 - A Yes.
 - and do you remamber the yeer?
 - 1934.
- Yes, that is true. How was this trip in 1934 carried out on the occasion of the Kiel Week? Were there any differences or any difficulties on this occasion and with whom?
- A Yes, there were difficulties. They came about because at the last moment the automobile Club of Germany which was the actual host had to give up the entire arrangement and

the whole thing was subordinated to the Reich Sport Leader, Herr von Tschammer-Osten, by higher orders.

- Was Herr von Tachammer-Osten a representative personality of National Socialism?
 - A Yes, he was.
- one hand and Herr von Tschammer-Osten on the other hand?
- von Techanmer-Osten reprimended Dr. Ilgner for not arranging this effair in the National Socialist spirit, but it was Dr. Ilgner's point of view that it was his task not to carry on National Socialist propaganda but sconomic propaganda.
- Ward there any consequences for the automobile Club
- A Yes, considerable ones. There was a further controversy. The Reich Sport Leader with the German Automobile Club; and the Huebhlein Group on the one hand and the Automobile Club of Germany on the other hand had differences. The reason was this. The Automobile Club of Germany had to take care of a large number of associated clubs. That is why it assumed a sociation of power in the German Reich, but such a position of Dayer was not looked upon favorably by the nuthorities in the German Reich. Consequently, the government endeavored to bring clout a coordination of all such enterprises. In time all the clubs were dissolved and that is now the Automobile Club of Germany had to stop existing.
 - That will suffice; Your Highness. Was it tried to continue the aims of the Automobils Club within a different from and how was that done?
 - Automobils Club transferred to the successor of the Automobile

club, that was called the German Foreign Club.

- on the occasion of the Kiel Work and who arranged that meeting?
- A One minute; I can't tell you that exactly at the moment.
- C. Don't it rofrash your momory, Your Highness, if I tell you it was this very club?
- A Yes, they arranged it but apart from that there were Ferben, AEG, and a number of other larger and smaller concerns.
- Q To what extent did the Piel Work affair in 1930 differ from that of 1934?
- A The hiel Weak of 1938 was arranged on a considerably amaller scale. It was done in connection with the Berlin congress of the Chamber of Communes.
 - Who was the initiator of that high weak?
- a That was Dr. Ilgner. After the congress Dr. Ilgner came slong and said this: "At the Congress these people are missing each other's points because they don't understand each other. They are using various phrases for one expression and they don't really understand each other. It would be much better if such affairs are arranged on a smaller scale but the done better and it is only in this way that we could achieve any success."
- naticipants in this Kiel Week of 1938? Gen Your Highness perhaps remember some prominent names of foreign economic personalities?
- I noted some of them down. From Belgium there was the Director of Societe Generale des Minerais, Pierre Aisrau. Then the president of the Union Chimique Belge, Jansson. From France, for instance, there was Baron Aumary de la Grange,

Senateur du Nord, the president of the Aero Club de France;
Peul Cavallier, president of the Chamber of Industry and
Commerce of Maney; then there was the president of the Banque
de lunion Parisienne, Jean Tennery; then there was the
president of the petrofine Francais, Leon Wenger, From Great
Eritain we had the director of the Bank of England, Anderson;
then we had the director of the Airwork Limited, Thomas
Guiness. Then there was Ronald Hambro from Holland. There
was the president of the Nederlandsch F. Handels-Matschappij,
Grene de Jongh, and so on and so on, There were a number of
gentlemen from Switzerland and from Italy, about thirty
persons.

I Many thanks, as a participant in this affair and as a participant in all those affairs before that, does your alghness have any besis to show that the Kiel Week and the journey to your home and the industrial trip were carried on in order to prepare an aggressive war and that espionage and propagands were carried on by the Garman participants?

A I think we saw it was Dr. Ilgner's tendancy throughout to bring about apparation and understanding among nations.

One, of course, must realize that a war would destroy such lacals. It is quite out of the question that such matters were ever discussed. With respect to espionege Farben had every reeson to maintain its important standing in the world.

- Well, your Highness was chairman of this affair?
- A Yes, I was president at all these meetings and I would never lend my name to purpose of espionage. Beyond that, I don't believe that we could consider our foreign guests stupid though not to have noticed any espionage because things like that always come to light.
 - and how did the foreigners judge this affair, the

Kiel Week of 1938?

A It was very favorably received and we got many letters of thanks. In this get-together they saw a considerable contribution to the maintenance of world peace and that phrase was again and again mentioned in the letters of thanks.

- C. Was this affair repdated?
- A Yas, again in the year 1939.
- Q Now, Your Highness, would you please briefly toll us the purpose of this Kiel Week of 1939?
- The tendency was the same. There were fewer participants -- the same success.
- thank you very much. Was this Kiel Wack of 1939 influenced by political developments in the maantime and how did they express themselves?
- In considered whether under these circumstances the meeting should not be carried through. However, we hald the point of view that we should carry out this meeting in spite of everything in order to demonstrate at any rate our will for page.
 - C Did Dr. Ilgner participate in this Kiel Week of 1939?
 - A No, he was ill at the time.
- C. Now, Your Highness, was there yet another affeir which moved the same purpose -- namely, sconomic cooperation? Be very brief, please, if you know something about it.
 - A Yes, the Olympic Games.
 - and in addition to the Olympic games?
- A In addition to the Olympic games, there was the association of the Friends of Klachau.
 - What is that?
- A The Klachau is a large hunting area in Styria which was cared for by Farben upon the instigation of Dr. Ilgner.

Dr. Ilgnor was particularly interested in the economic relations with the scutheestern European countries. He wanted to entertain close contacts with the leading economic personalities of those countries. The venture was arranged in a manner where after the hunting trips one got together and frankly discussed all those questions in a preliminary way which were leter brought up during the conferences in Bratislava, Eucharest, at esters.

Q And I correct in saying that these meetings -- that is the association of the Friends of Klachau -- also served sconomic cooperation with respect to the southeast European sountries?

.. Yos, that is trud.

DR. MATH: Your Honors, I don't have many more quastions and I should like to have your permission to continue after the recess.

THE PRESIDENT: The Tribunel will rise until one-thirty. (The Tribunel adjourned until 1330 hours, 22 March 1948).

AFTERNOON SESSION

(The Tribunal reconvened at 1350 hours, 22 March 1948)
THE ARSHAL: Parsons in the courtroom will please find
their seats. The Tribunal is again in session.

DR. DIX (G unsal for defendent Schmitz): I ask your Honors'
permission to make a short announcement. I hope that you will have
some Joy from this announcement, your Honors. It serves to expedite
the proceedings.

The Tribural will remember that the defense, when the Commission was in tituted, asked for the privilege of having the Tribural
reserve its right to make decisions on objections. Since quite a few
objections have not been decided on and, on the other hand, the Defense
counsel have made the acquaintance of the Commissioner, all of Defense
counsel are agreed to have the Commissioner empowered to make decisions
on objections and we marely ask for the privilege of being permitted
to patition these decisions to the Tribural, if necessary.

THE PRESIDENT: Is the Prosecution ready to express its view on the suggestion of counsel for the Defense?

IR. ANDHAN: we are taken a bit by surprise but it occurs
to us that if the hearings before the Commissioner are going along
satisfactorily and the Defense is satisfied with the way it is being
handled the Prosecution is. I think we ought to continue with it.
There has been no difficulties encountered by either side, as I
understand it. I am doubtful what useful purpose will be served at
this state if the Commissioner is given authority to rule and in connection with those rulings in agents of party will probably apply
to this Court seeking a pevicy. It occurs to me that those additional
lateral proceedings might heighten the time. We are used to -- we
have experience in the proceedings as in affect. We are entirely satisfied to have them continue called and he as pacially in view of the
statement of counsel that he is entirely satisfied with the menner in
which the Commissioner has conducted these hearings and he has had no

occasion to patition this Tribunal to raview any action of the Commissioner. Under those circumstances, we would like to leave the matter as it is now which seems to work pretty well for all concerned.

THE PRESIDENT: Dr. Dix, your offer is on the record. The Tribunel will take note of it and consider it and call the matter up at a subsequent time and express our disposition in that regard.

Thank you vary much.

DR. DIX (Counsel for defendant Oster): I merely want to
ask now that the defendant Oster be excused tomorrow and the day
after tomorrow for the preparation of his testimony.

THE PRESIDENT: That request is now granted by the Tribunal.

DR. DUERR (Counsel for defendent Cattingou): Mr. President,

I ask that the defendent Cattingou be permitted to stay away from the
sessions on Tuesday and Wednesday for propering his testimony.

THE PRESIDENT: That request is likewise granted.

PRIEDRICH ALBERT, Duke of Macklenburg - Resumed

DIRECT EXAMINATION (Continued)

BY DR. NATH (Counsal for defendant Ilgner):

Q Your Royal Highness, before the recess we discussed the Circle of Friends of Klachau. We discussed Dr. Ilgner's attitude towards the Southeast European countries. What was Dr. Ilgner's attitude, his basic attitude, in regard to the countries of Southeast Europa during the war?

A It was very equanimous. It was his characteristic that he had the interests of other people at heart. He was of the opinion that a contract is only good if it satisfies both parties.

Q Did you have an opportunity during the various events to observe what contect Dr. Ilgner maintained personally with the foreigners and how he conducted his conferences with the leaders of foreign economists?

A I believe I have already intimated that the conversations were conducted on a friendly basis. Dr. Ilgner was of the opinion that

22 Mar LS-A-19-15-3-Primacu (Int. Kets) Court No. VI, Cass No. VI. if the men leading in economy are friends it can only serve the Gerran cause and also of world perce. Did Your Highness notice any facts or any indications in Dr. Ilgnar's conduct which might make it seem possible that Dr. Digner pursued a policy of spoliation and plunder? A Navar. Q I forget to ask Your Royal Highness whether you yourself were a member of the Circle of Friends of Mischau? A I was in the Vorstand together with Dr. Ilgner and the Landrit was _ wasky. Q I might ask you again to make a short pause after my question. A T gether with Dr. Ilgner and Lendret won Wilmowsky. I was in the Vorstand together with these two people. 4 Dous your Royal Highwas know the secondarie attitud of the Cantrol European Roomanic Congress? A Generally, the tendencies mere the same, but the Central European Economic Congress was working on a private industrial basis. Q Did you observe that Dr. Tigner carried on espionage and that he made available and used his own enterprise, Ni/7 for such Purpos :87 A Naver; I naver heard him discuss this. Q Was Dr. Ilmar opposed to war? A In my opinion, he was opposed to any war. If he had been promoting wars, then, as I have already said this morning, he would have destroyed his own ideals which were based on mutual understanding, salfrula and cooperation of the peoples. Q Initially, Your Highness described that you had been on many foreign trips. On these foreign trips did your Highness ever observe anything about war mongering activities or espionage activities or propagands for the National Socialist ragins by Dr. Ilgnar? A No, never; I know that the relations of the Party to Dr. 9785

Higher wars very tanss. It would have been senseless if Dr. Higher had done espionege for a party with which he was not on good terms.

4 In 1937 you undertook a large trip to South America.

A I was on Dr. Ilgner's tricks — I followed his tracks

to various times in 1937 also and I talked to immunerable persons in

latding positions, with all presidents of all the states, with the

largest pert of leading admonists. I was invited to embassies and

I talked to persons who also know Dr. Ilgner. I never heard the

veguest that such aspionage notivities or such like things were

corried on.

Q Did Your Royal Highness also got in contact with foreign representatives of Foreign on your trip to South emerica?

if got in touch with than dry by day, not only in the agencies but I mit the papermentatives in the various towns. They accompanied as to the various provinc a and at those occasions a new restricted any aspisance activity. I can add to what I have said already that these pursons show Dr. Ilgner introduced to me remembered the idealism with which Pr. Digner approached these cooperation problems.

Q Your Highness, what was the relationship of the Party to Farban?

A That relationship of the Party to Ferben was never good, and it was not good either toward Dr. Ilgner. I know that there were surious controversies. Dr. Ilgner probably had to join the party because he was a leading industrialist, but his attitude was only on the surface. I always considered Dr. Ilgner, a "button-hole Nami", but not a "heart Nami".

A Do I understand Your Highness correctly, that you want to express by the remark that he wore the Party bodge, but that his attitude was not Mosi?

A Yes, that's right.

Herr. Flachtheim, Herr Schnitzler, Herr Krusger and Frank-Pahla?

A Ten, I can say that, in my conviction, none of these gentlemen were in any may identified with the Porty. I know a number of leading persons from the Porty, and therefore I believe I can judge their matitude.

DR. NATH: This concludes by exemination, Mr. Fresident. I have no further questions.

THE PRESIDENT: Do any other members of the Defense counsel depire to interregate this witness while he is on the stand?

Since no such desire is indicated the Prosecution may crossexamine the withess.

CROSS EXAMINATION

FRIEDRICH ALBERT DUKE OF MECKLENBURG

BY MR. ANCHAN:

q Mr. Witness, were you familiar, during the period of 1933 to 1939, with the activities of I.G. Farb-n?

A I am sorry. I did not understand everything.

THE PRESIDENT: Will you repeat the question, please?

Mr. ANCHAN: were you familiar with the activities of I.G.

22 Mar LE-A-MB-16-2-Ha Stampt (Int. Kats) Court No. VI, Casa No. VI.

Parban during the period from 1935 through 1939?

A No, I was not familiar with them. I had almost no insight into the organization or structure of Farben.

MR. AMCHAN: I have no further questions, if Your Henor please.

THE PRESIDENT: If there is nothing further, the Tribunal is about to excuse this witness. Mr. Witness, you are excused from further attendance.

DR. NATH: Mr. Frasident, my next witness will be Director Frank-Fahls. My colleague, Dr. Szelem, will conduct the examination, and with Your Honor's permission, I now call Dr. Frank-Fahls to the witness-stand.

THE FREEDRICK The province will bring in Dr. Frank-Fahle.

Mr. Witness, mill you olanse remain standing for the purpose of being sorn. Pais: your right hand, say, "I", and state your name , for the record?

A I, Buinther Frank-Fible.

Q Now report this soth after as:

I sweet by C d, the Almignty, and the Conscient, that I will speak the pure truth and will withhold and add nothing.

(The witness reported the acth).

THE PRESIDENT: You may be sented.

DIRECT EXAMINATION

DR. GUENTHER FRANK-RAHLE

BY DR. BACHES: (Counsal for Dr. Higner):

Q Dr. Frank-Fihle, would you place state your full name and residence for the record?

A Guenther Frank-Fahle, Oberurs al, Hohamarkstrasse 123.

Q Dr. Frank-Fuhla, from what time on wars you working for Forban N# 7, Barlin?

A From the beginning of 1933 on.

Q That position did you hold thar 3?

22 Mer 43-A-4B-16-j-Ha Stamert (Int. Mata) Court Wo. VI, Case No. VI. A Since 135, I have been a Productist and Director in Farben, and one of the disputies of Dr. Higher in the management of Berlin NW 7. Q What war a your particular functi no in Barlin No 72 A In the Central Finance administration I had above all, to deal with the problems of stabilization of currency and foreign exchange credits. Furthermore, I had the suor me management of the office of the Commercial Committee, and the re-remisetion of the Commercial C maittes in 1537, - that is, the ffice of the Commercial Committee was under the jurisdiction of not only Mo 7, but as I have already stated, it was also under the jurisdiction of the entire Commargina Committees. Busides that, temperarily I was in charge of various smaller departments in Burlin No 7, - runng others, the Legal Department. Q Can y u plans give me a far brisf wrds on the main tasks of the Legal Department of Surlin My 7: A The Legal Department of NW 7 had to Fulfill three functions. First, current legal advice on matters of the antire organization, Burlin Wi 7; Shownd, the Lagal Department, No 7, - and particulurly the hands of this regenization, - war under the jurisdiction of Dr. v n Knisrism, for working on questi na with Corporation Law, and the subject matters erandeted with it, such as increase of capital, general assembly of stockholders, ref res of Corporation Larg, and so n. The Legal Department was evallable for the Gil Sporte for taking cars f their legal problems that might arise. I remember Dr. R intges, who was an associate of the Legal Department, who later was transferred n a full-time basis to the Oil Sporte. Q Did Forb m B wlin Ma 7, and particularly Dr. Ilgner, have anything to do with those problems which y u mentioned under 2 and 3, the Corporation problems and law problems of the Cil Sparte? A No. Q Did the Central Finance Administration have anything to 9789

do with the centrol or appropriation of monetary funds for new construction, reconstruction or extension of Farben plants?

4 10.

Q Was the Central Finance Administration, competent for taking out and granting of credits?

A The Central Finance administration was competent for credits in foreign countries. During most of the time that I was a member of the Central Finance Administration, the taking out of Heighsmark credits was not necessary, because of the large amount of cash in hand of Parties in Genera currency. Reichsmark credits were only taken up when Plants had to be constructed upon order of the Government, about these credits, the samagement of the Plants, and other Forben agendies negotiated and they were very frequently conducted on their own responsibility.

In the course of time there was friction with the Central Finance Administration. It was the endervor of that Agency, the Central Finance, that they should at least get an insight into all credits that the Forest office to k up in Reichsmarks.

Q Dr. Ffenk-Fahl, in connection with the credits of foreign exences that you mentioned previously, I want to ask you one more thing. The Prosecution submitted an affidavit of Dr. Ehroson, - that is Document NI 4930, Pohibit 766, Document Book Al, page 79 of the English, and page 139 of the Garman. This officerate is before you. Would you places comment on it?

ferred to the other firms because it was given a particular credit on raw materials. This statement is somehow, at least, incorrectly phrased. The affidavit creates the impression that this preferred transment, - the granting of the raw materials credit, - was done by a German government agency. This is not the case, however. Every German firm, if it had the necessary credits abroad, could take up

the cradit in the foreign countries. The row materials credit, of which Mr. Ehrmann speaks in this affidavit, was a credit which Farben had negotiated privately with a London Bank. The alleviation which this created for Farben, was found in the fact that if Farben needed foreign currency in order to obtain Government permission to import some goods from foreign countries, Farben did not have to approach the Reichsbank or the Reichs Ministry of Boonomics, to get their foreign exchange from Reichsbank holdings, but they could get their foreign exchange from the person who granted the British Gredit abroad, or the Dutch man, or whoever granted these credits.

Q Do I understand you correctly that just as any other firm, Farban needed parmission from the Garman Gov romant for importing any goods from abroad?

A Your assumption is quite correct. I said, and I expressed myself quite clearly, that just as any other firm, we had
to comply with all formalities in order to receive the permission
of the German Government agencies, so that we could import goods.
It was only a question of the procurement of the foreign exchange
necessary for importing these goods.

Q You said, Dr. Frank-Fahle, a short while ago, that you had taken out this dradit. Was this done or had this to be done upon the order of your superior, Dr. Ilgner?

A No.

A The manner in which Dr. Ilgner conducted the management of Berlin NV 7, was such that his close associates were given much looway. I discussed this large credit with Dr. Mrueger, and of course, before we took out this credit, we informed Dr. Ilgner. After we showed him that this would be expedient to take out this credit, he agreed to our suggestion immediately. I should say that this was characturistic of the manner and method in which we, in the Berlin NV 7, worked in other fields as well.

Q Can you give us any other exam les in order to make it clear to the Tribural, how the work mus divided in Berlin 1877?

A Dr. Krunger and I worked very independently in negotiations with the Banks concerning fereign exchange, and we only informed Dr. Higher, in general authines, and in other fields as well, where financial concerns of Ferien had to be safeguarded.

In this connection I remind you of the negotiations with Petsamo, of the technique of exchange rate security in connection with the devaluation of the goli currencies, in all of these questions, we were given much liberty.

Q In what problems, particularly, was Dr. Ilgner interested?

A Dr. Ilgner was basically interested in currency questions in their entirety; in all questions having to do with export, foreign trade, and so on; in questions of industrialization, particularly of those countries with a proponderent agriculture, and with all questions having to do with the promotion of export. Then, of course, in all questions of industrialization from Nº 7, questions of hiring newpersonnel, and of new trainose, and for the current problems that came up every day. Q Dr. Frank-Pahle, in connection with the problems of export and of promotion of export questions, the Prosecution has submitted a few documents which they consider as incriminating toward Farben. The promotion of exports was frequently discussed in the various counittees of I. C. Farben. Can you please, as briefly as possible, tell me why this particular question was of such significance to Farben?

A Woll, that can be assumed very easily. I believe that 40 per cent of Tarbon's terroverses export. Refere the time of the surger of the original firms forben was a large sales organization in the foreign countries. Therefore, it is a motter of course that for reasons of private enterprise, they were very much interested in maintaining their exports. Pasides that, one must take into account that Farbon, in view of its size, but to import very many important raw materials from abroad, and finally, in order to procure the foreign exchange accessary for this import, we had to emport.

I believe that I do not have to go into the difficulties which areso after the collarse of the Austrian Gredit Anstalt, and because of the increase the custom? tariffs of the United States with their farereaching impact on world trade which was even still intensified by the devaluation of the Found and the Dollar.

Added to that, we the fact that when the Taxis took power in Cormany, they were interest of the acris fundamentals of Cormany's economy and believed that one did not need the foreign countries. At that time they believed that one could do without experts, that one did not need any foreign raw materials, and so on. That, of course, meant a very serious deager to Farban, and Farban tried everything in order to at loast maintain their expert. As was his went, in his lectures, Dr. Ilgner again and again pointed out the necessity of international cooperation, and of the need to conduct foreign trade.

1 Now, Dr. Frank-Fahlo, the official German agencies demanded that apports be furthered. How can that be reconciled with the statement that you have just now made? A It must be understood that after the Mais had been at the halm for a few years, they found out what was point on. Thilst, in the beginning, they regarded exports as informed, they later used phrases such as "You must export or die", or they said, "The German people must expert to live"; similarly to the may in which in our time one tried to apply the Horganthau Plan to Bermany and finally found that Germany was not able to live without expert. That is a similar circumstance.

C Dr. Frank-Pahlo, did Dr. Ilgnor, togother with the other infordants, as stated in paragraph 49 of the Indictment, draw up expert programs for all of German industry?

A I do not remember that,

Q Would you know MI-10570, Exhibit 762, Document Book MI, page 26 of the English, and Jugo M2 of the Carmon which is the memorandum of Dr. Ilener on the premotion of experts, would you consider this such an expert program?

A Br. Zachom, I to not remain rethin numeranium vary well any more, and I have not read it now little. As for as I remember it, from those times, it contained in a concerled form, a criticism of Government measures that hampered experts, and was an attempt to remove those hindrances for Farbon and for private enterprise and to try that private enterprise be given a larger opportunity to influence expert measures.

C. Do you know whother this accordance achieved its purpose?

A Mo, I don't.

O Did Dr. Tigner take any further stops in order to atrongthen and to promote Farben's experte?

A He made various attempts. For instance he hold the opinion that one would have to promote exports indirectly by supporting the Gorman Chambers of Commerce. The day before yesterday, for instance, through the testimony of Mietrich, the promotion of the young trainees in the Southeastern European Countries, was another such step, and also on the basis of his experiences that he gathered on his trips to the

Par East, he was very favorably impressed by the very close cooperation between the Eritish and Americans foreign representatives and their Embassies and Consulates. I remember that he frequently pointed out that we formans made much too little use of the facilities of our diplomatic representatives. He frequently pointed out that it was a matter of course for an Englishman, even if he stayed only a few days in Earlin, that within the first 2h hours, he would go to visit his Embassy. I must say that he is quite right in that matter, because my former English friends from London always did so when they came to Borlin. They always did visit their Ambassadors either on the first or the second day of their stay there.

Dr. Ilgner bolioved that by maintrining aloser contect with the Derman representatives throad, it would note for a higher afficiency in exports. It is, of course, a matter quite natural that he had to consider the guople who were in power in Germany at the time, aspecially when one takes into account what an exposed position Farban was in, because Farban really was hateful to the Masis Party because of the Masi Party's collective attitude.

- Q. How do you know that?
- A. I don't know that only new; I know that from 1933 on, and I know it much longer than rom the SS-man Oblewdorf's testimony. I have heard from parisus foreign representatives of large foreign interests who required a more intimate knowledge of the Party's into tions than many of us could require during the years '35 to '79. That was at the time of on one regretted were much to see the large influx of foreigners who marticipated in the Party events.
- Q. Can you tell me quite briefly what this friendle attitude at the time in cortain marts of the world toward Taxi Goran; y was influenced or caused by?
 - A. The first intigmetter about the acts of violence ...
- point came up several times faring the course of the trial, namely, the attitude of the untside moral toward the Unit program, and my recollection is that the Iribanal raied that the only point at themse was what was common knowledge within Germany and not what the attitude of people outside Germany was. On that ground we object to this question.

THE FREE DENT: Woll, if the sole purpose of this testimeny is that, the Presecution's position is well taken. We are not concerned with the matters of general knowledge throughout the world but only as it relates to matters partaining to those defendants.

What is your purpose, Mr. Defense Counsel?

DR. BACKET (Counsel for defendent Ilynor): Mr. President, I believe that within the scope of the indictment which charges Farben's cooperation with the Easis that it is of a certain significance and importance to have what the attitude of these foreign people was with whom the defendants that a great doal to do at these times.

THE PRES DEM: The objection is enstrined.

BY DE. BACKER!

Q. Dr. Frink-Fahle, in connection with the foreign trips of Dr. Hener which were mentioned repeatedly, I want to ask you: Shortly after

23 Marchad JP-18-2-School (Int. Nate) Court WI Osso WI Dr. Ilgnor's trin to South America were you there took A. Yos. Q. The countries did you visit? A. I was in the Argentine about wix wooks, a fow days in Brazil, in Chile, in Paraguay and Uruguay. Con you tell me quite briefly if you were able to determine ony reaction on Dr. Ilgner's stey in these countries when you were there letor? A. Yos, I found a serious reaction to his visits. Q. That wes this reaction. A. I una always asked questions about Dr. Ilmor. Fis vitality had disturbed noonly vor mich. They had not quieted down yet from his import. In the short time of his atom in the mylous countries he had touched upon so can problems -- for instance, injustrialization, raising of the living ster and, currence problems; so span problems were touched upon by him that he bad the effect of leaven or like morat. Q. Sid you, Dr. Frank-Fable, during your staw in South America visit the months from the foreign organization of the Pertyl A. .. CR. Q. Thy all you do that? A. It was assired in Sorlin, and I his it mainly because I did not Went to got into any trouble during " business transactions which the foreign organization might mke. They might perions byve been hart if I the not wisited them. Q. You sold just now that it was desired in Berlin, A. Top. Q. Who in Forlin desired that? A. The State organizations of the Party. Q. On his South American trin, Dr. Higher gave presents of whote-" filt canoras to the Landengruppenleiters in those various countries. Is the those why he did that? A. With these presents he wented to create a more favorable 9797

strateliare for Jerbon. It was done for similar considerations. It was gonerally the endeavor of Parben to meet the foreign organization balf-was with the small things so as to work independently in our business, which we had considered out important.

Q. In connection with this trie to louth America, I want to touch upon enotion point with you. The Presentation submitted a report dated to Jaminary 1941, written by you and Dr. Overheff. This is Document 75-10712 Emiliat 204, Document Fool: 45, Emplish yage 21, See an page 80. The Presentation in their trial brief, on maje 89, calls this report as an aspectally exaligationing information about the metivities in the Argentine and 1, related countries.

The you please comment on that!

- A. It was furing the worl
- Q. You, yes,
- 4. Ar. von Toernen had errived in Europe by miano from the Argentine.
 - Q. Mr. Israb-Feblo, who is Mr. von Toorners
- A. Mr. von Toermach was the Sarry a thespecies in the Argentines at the time. We visited no in Berlin, and Th. Overhelf, in Frankfurt, who was a modellat for the disastuffs business in Berth America, was together with me as the comparability because Overhelf was minimal rise interested in certific news from Santh America. Mr. von Thorowood has of the difficulties which confronted the against of Derivan told us of the tip foreign organization and with the Argentine payarament.

Anothy others the reason was that the foreign proposition of the Firty wanted to camoufled the dynastures representatives of Parken the satisfies alchema, we had finally achieved with angle trouble that the foreign organization withinsw their domand, and therefore we asked in, wen located to send the telegram to the Amilians Alchemas and to notify the located branches are result for the Engage organization in Argentines. This was a former employee of the Engage organization in Argentines. I believe that he left as a result

of some promitio. Therefore, he wasn't wary forerabley inclined towards or. Foreign, our therefore he crusic him difficulties, as for as I know.

. When we were together with are wen ladreson it is a matter of course what we asked him about the peneral situation in the argentimes and in the other court appriors countries. This countries were then conducting negotiations with the United States.

I remader that at that the prestion of the bases in South America are under discussion. We possivered this information very interesting because it was important for as in evaluating the question as to what extent we should continue our instructs contacts in South America. It is difficult for as to see how I should have actively writelanted in the modifies of the Third Taigh by speciation this remorb that the was Ecompany or to to Dr. Overhelf and to me.

- Q. In your file mate it same that We, won Toomson considered it accousant that some arresting citizen should as a to Sermony in order to get a Circuit impression of the natural orders of the war.
- A. I believe that the Criberal more that one of the submidlary composition of Terbon in 1937 was given - make day by the Ar centine government togother thin Boros for the construction of a gooder plant. This plant We constructed under the ameryision of Locks-Rottweil in 1937. It the begun in 1967 and when the war broke out, and at the time when we telical to wr. you Coornent, it had not not been finished. When wr. you forment anid that the relations between the Argentines and Germany, were feto forating, we thought that this little nowder elent might not be finished at all. And therefore we considered the desire of Mr. won Teermann that on Armontine businessamen should come to German to improve German Argentinian "clations on being in the interests of Farben. "herafore, we farmed ever this recount to Oberlagenious Especit, who was in character construction of this plant at the time, and he intended answer to come per to formeny foring the first for months of 1961. We thought that he Morth tabe Plong some Argentine gentlemen in order to discuss with him the technical details for the completion of the construction.

- . Dr. Trenk-Yehle, the beginning of your statement just on about the other reject is not properly or callted. I culd you also a repect once wave : . this was -- only the beginning?
- for the bulling of a seld powder dama. This was repeated in 15 c or 1957, and Tooks-Kottweil, together dama wher firms such a Defense dama Tollah as the ries time, and so on, the estimated in the conception. Total-cottweil was given the first price, and then in 1927 they be in to mild this plant.
 - . The this enough. Then you.

come to Ger . m , is provided in this like note?

- ". b, I a met recepter to 1 on did.
- tions to be a becaused gravitary. I not to get to you Prosecution because I-1 is included to 1, Journal Book 40, page 24. This is in except from 11 conference about 100s ye this, and I note:

virginity his advises us that a contribution is taken under or virginities for a suscio in Follow on that unis contribution as to be a decay formulation have been settled.

Could on co ent on this, briefly?

I recall theilips in the thois is, 1940, together with one of an association, I and to amsterd a for a maximum sometimes. On the loth of the 1913, we were surprised by forming's states on told as at four o'clock that as bearing, we distribute to be arrested, and therefore the state of the two-still-neutral Indian control paterns in abterna. The It is a Compant General houses us in the sames, the House of the resole, and there we have a non-less we considered it a subter of coarse that is statemed for this favor, for, after the this Fasano force was not exerce-territorial, and that for this large person I said that these people-took, that the Consul General assumed,

he hanted to express our gratitude. In a 2 gesture of retaine I suggested they gift to the Flacio Pouse in Insterdam. I cannot remarker the invent of the money lift.

that is before you. This is the Prosecution Document 11-7605, Edibit 775, Dost mit Dock 54, or go 10 of the Saginsh and German.

Do now Dr. Jacobi, Dr. elter Jacobi personally?

A. Yes, very well.

time the "Chiral of the support with Firben give to the Pity would be versional reckened the influence of the Pity in Sermony."

Dis Dr. Accol, even t that ties, bell you about this ise of

- o. To, I connet remember by t. Justing 19,3 and 134, until the nutbers to clisics, is discussed the clitical situation very much, but I connet remember by suggestions to the made, in what a connection of the party. Porh palie of this like to the task the power of the party. Porh palie of this like to that they are possible.
- . C | ou tell go that support, which was to be within an arom the Park | secting to Dr. Leobi's suggestions, this was?
- as I shoot tell you the, Dr. B. Shee, because they re only assumptions. I could in sine, for inclusive, that he might have then he that I would in sine, for inclusive, that he might have the party, but I don't think that this is not a serious ide of such an intelligent on a I much a cobi to be. It would have result only the making of some port of apposition to the Party. Parben has not able to break a regule of terror; that could only have been broken by force. And if Parben has no some apposition a the time then the Party would marely have peneur too into Berben, if his to say, we would have received regular desir on our sufficients to a happened to other firms, and then it would containly have been not so asky anymore for the old Iriends of Jacobi, the are now on the dock to help him when he emigrated to london, for that now from

Berlin to Condon was dome in a comparitively pleasant manner. In that connection I and to say that in many a greats it would have been much more posicio the for Farben in may rester in they had getten some prominent in on their assichlaret or on weis Vorstand. I lives considered it . . . tical r merit of Geneurat ashmits and of the Marca mens rement to they went the vorstant of the spraichter t from Iron these Ani -1 toom to - expuse the expression.

T. Dr. Candelahle, can you tell me write briefly what brought it bout to tor. Joshi edigrated in 1935 to London?

w. 1 1 pened in the following my. Dr. Loobi was chosely third with br. Algor, the diced his trust in him, of the improved nim of II is lines bout the der Lution of the murrancy, Work steps which Jr. I am took t room the Control Fin nee dalmistr don on behalf of P Wen. Dr. Loobi Algod a very important part in the itroren Symble to and also in the Interesting I stropen Cartel, and he secopted at the testion is in Dr. Elgact suggested both the sifeguarding of the mount of to the fint the Nevelution of the currency, and re the te see to it in t these will be ue to the litrore a moicute all the princers could be referred. As a result, or, a ocbi approached Dr. Ily ma and saked his whother to couldn't help this, no as or. Departs is att, or on its suggestion, the formerly has person lly perticia tot in the interna confrances, I revelui in 1953 to thicip.to in . copling of the Intern tiend Atragen C rtel in Ostend. There I at the . Itners, French, British, Dutch, Lulgium, ste. mi I explaine to be our iless. The secold line there other country of here -wite in a ver of sifegu rding to entire cocusts recoivable of the Intermetional mireren Certel igneditaly. The old small assect then of the litre and Ital in Last was not sortable for this urpose, and a cobi and I were of the epinion that Loudon would be the best place. to leveloped the idea of founding a sall corpor tion in Lendon, the un ement of which should be taken over by Dr. . cobi. This idea was seconde by Dr. Sounitz, Dr. Cater, and especially by Dr. Higner. I want to say that

the idea of the property of safe position for Dr. Jeobhi abra d whered an import must in this committee than. I am still hopey took this hall be de former friend of Dr. Higher, Dr. Jecobi to at we will this court the committee of integrant. Ferra given a very nice office in the lest of London. The he was established in . Time house, also in the cott of fondon.

The Dr. Ilgner do even more for Dr. Japobi shen the I than went to London?

on Time In Time the implies to the report of the Control Finance addition that the interest of the formal lineares addition and powerfultion, because he are at the flowerly antroduced as inclining the interest of the Control Finance, to be given a retainer. The purpose of the finance of the control Finance, to be given a retainer. The purpose of the finance of the control Finance, to be given a retainer.

- In Dr. Jacobi Carther states in his afficient that Dr. Ilgner, in the surper of 1935, ifter Ilgner's network from the For East, had told him about his. Illner's idea that the Parben confidential agents be appointed as secret agents. He says, furthermore, that in the communcial conditions be obtained in which he participated, objections were related times this procedure. Since y a wore the reporter in the measings at the convercial condition, you probably remember the objections and "r. Jacob's presence in this meeting.
- Tell, there wast be size mistike in the efficient of are decebed as says that until the 31 of aurist 1935 he was with Farbon and that he then want to Empland. I think I'd be very such mistaken if Jacobi had over returned after August '35 to Germany. At any rate, I met him very often until the outbreak of the per, but only in Linden. I have already stated in writing and early in this place that the institution of the Parbon Maisson son we discussed for the first time in the meating of the new elemental consists on the 20 of august 1937, and that it was unanimusly approved. Since objections were not made of which Mr. Jacobi speaks here. As I have easily in this and later meetings of the correctial consists, Mr. Jacobi could not have possibly participated. Ar. Jacobi seet have made some sort of mistake. Maybe he read something in the primarism of the section function and it confused his knowledge of former power with his present knowledge. I don't know how it could have happened any other way.
- Dr. Frank-Table, I went to rewart once more to the raw materials credit that you mentioned imitially, the credit which farben took up with a large bank in England. How high was this credit?
- A As it was taken up first, it was one million Pounds, and we then increased it—or it is better to say that we had it increased— to about the and-half to two million Pounds. When the mar broke out, we had used up this credit to the amount of 700 thousand Pounds.

22 Mar. hd-x-0J-20-2-Gaylord-(Xata)-Court o case 6

The Presention says, in point 49 of the indictment, that upon the request of the Reichsbunk and other official agencies, Ferben used their position in the international market to take out credits in foreign currencies. Now can it be explained that Parben used this raw materials credit during the critical period only to encount of its appropriate amount?

a The reason for this is as fellows: when Hitler marched into Pregue, to considered this a danger and a risk turn of his foreign policy that we considered it a violation of the Lunich Pact. I was in Lendon shortly fator the invasion of the remainder of Czecheslowkiaor perhaps even during that time I was in Lendon. I suggested to the London bank which had take this predit large available that they should withdraw their credit from us on the basis of the political situation. The basic notive when I made this suggestion was to show to the bernen authorities that they could not ar on like that. The British tank considered that our estion proper, but they didn't went to withdraw their credit officially. They were if the opinion that perhaps the situation might calm come again, for to take up a near eredit which has room been revoked and to arrange for a new appropriation seemed ton accepting for their own interests and also for their alient, Farben. As a result, we agreed that I should serely come back from London with the request from the bank that hadappropriated this credit for us that the credit should be temperarily reduced in view of the tenso situation, I made use of this fact because I ismediately approached the "cichsbank and told the business manager of the Reichsbank, Mr. Fuhl about this -- very amphatically told hun-and asked him to point out this decrease in the credit to all important agencies in order to give the reasonable Gayman politicians one more argument that they might use in objecting to hitler's relentless politics.

If I understood you correctly, you used this fact in order to give a marning to Mitlar's Government.

A 1.8.

- I Do you recentler any other marnings of a similar nature?
- that after every trip to any furcism country on tried again and again to point out to the Jevermont a encice come aming the serious denver of the position. One of the points where we tried to demonstrate to the German Got remont again how denger us Mither's foreign policy was.

 The simulation was remain about the Hiel Neek in 1939.
- If Ir. Frank-Folds, the Francestien submitted this particular report about the event of the Eigl Well 1959 to show to must extent and how Myzi or sevends and Wazi espicated and gene. This is presecution Document 326, Exhibit 779, in Book the on Face 50 of the English and Page 71 of the Grain. Dr. Frank-Fable, you have seen both excerpts that the Presecution has submitted from this memorandum. You have it before you. Wells you please execution it?
- was to be exchange of secretaric ideas and problems.
- Q I want to interupt you briofly. You said that those word to be accommic talks. The Prosecution anys, on page 61 of their trial briof, that it was to be a conference on we take foreign policy. Could you explain that?
- proviously. But it mean't provided by us because in view of the very pritical rituation it developed into a discussion of politics. The people who can from London, from France, and so on, were so concerned about the future that the present and the worry about the developments overshadowed our economic discussions which we intended. The basic tone of all discussions, especially in the discussions between the French and English, was that any further high-handed foreign political step of hitlor's which was not undertaken in agreement with England or France would mean wer. I believe I do not have to reiterate that we in Forten—I believe especially these people in the dock and equally any other manbor from to the smallest salessan was opposed to any war in any form unstever; for quite apart from its result, it meant a

9866

Ferbon. App of we had soon the destruction of world business as a result of the First World War. We had quite enough of it. Therefore we with our week power tried to influence the course so that it would not come the war. We had to find the proper form in which we might address this repeated and this new warning to the Government and to the Party.

- Q Prw was this done?
- A We thought about it and we decided to draw up a memorandum about the international mouting of the hiel book. In this memorandum, this warming was to be expressed quite clearly. If one made such criticism at all of Hitler's politics in those times, and if one dared to show such criticism to Party aparetes, one, of course, had to sweeten this bitter pill schemat, and as a result a let ornementation was used. The warming, however, was contained in the introduction on Page 3. The memorandum was maded to the ministries by the then President of the feich Economic Chamber, Pietech, to the compotent Party sutherities.
- Q The Procedution quetes on Page of of the trial brief that I have mentioned already the report about the Kiel Week of 1939. In this quoted passage, the accupation of the remainder of Czechoslovakia is discussed. Can you convent on that?
- athers: that it was very difficult for Germany's friends, if not at all impossible, to find excuses for Eitler's methods. But I already said that it isn't very easy to criticize a dictatorship, and we did it in this cautious way. It seemed to us more important to do something than to furnish alleged material if we had them for an indictment at a labor time.
- Q Dr. Frank-Fahle, you have repeatedly stated that you and your colleagues warned against the continuation of Hitler's foreign policy in the form in which it was possible in those times. Did you know at that time that Hitler was planning wars of aggression and wanted to carry them out?

anything from Mitter, but I didn't think haid be stupid enough to un leasn a world war. But what we is all of us feared—that is, an aggree—sive facing policy, and his pathological relembles ances which would some day lead to war.

in ar. President, I have reached a cortain chapter and I want to mak you if this would be a proper time to take the recess?

THE LITERSTONEY: We shall rise to take our rocess.

(A rocass wis taken.)

22 Mar 48-A-AJ-22-1-Aringer-Member Court & Case 6 THE MUSICAL: The Tribunol is again in sossion. Q. (By Dr. Becham) Dr. Frank-Fable, in order to clarify one point, I should like to put a concluding question to you with reference to what we discussed before. When did these warnings take place, which To discussed before? A. Those warnings were given after Pitler's merch into Frague. that is to say, after April or May, 1939. I think it was April. Q. I am now turning to another point. Do you know the Chamnico-Mar York? A. Yas. G. How do you know it? A. From 1929, on I was an officer of the Chamnico, the Vice-Freeidant of the American I.C., Dr. Greif, formed Chemnico. Consequently, I know som thing about how it was formed. Q. Could you please describe to us how it was formed, in a few words. A. Jerbon had current negotiations in the United States with reference to patents in collaboration with chemical industries in the United States and wanted to abide by the law absolutely. Since I. C. Chemical Corporation was a pure holding company it was not intended that they do work which was not in line with their statutes'. Consequently, Dr. Graif suggested the foundation of a special company. Only now, while I was maiting to enter the witness stead, I read the contract between Chamnico and Farben. However, I was present at the time when a number of gentlemon endeavored to clarify the mennor in which Farbon was to be represented in New York. I can see that the contract comprises exhaustively every detail, so that one sees that it was drawn up with great care. Q. This contract is Prosecution Document MI-7581, Exhibit 872, in Document Book 47. English page 92. German page 168. Dr. Frank-Fahle. on page 63 of the Trial Briof, the prosecution makes statements to the effect that Farban was carrying on espionage work in the United States 9809

22 Mar 4F-4-AJ-22-2-Arminger-Remler Court 5 Case 6

through Chamico. Can you say scrathing shout that?

A. I fid not observe any esplonage work, unless the activities of transmitting of information such as beal reports, newspaper reports, etc., are considered as esplonage work. I read proport here which was drafted by the Chief of Counsel of Jar Crimes, wer Economics Group, "er Department. It says there, "It becomes apparent from the files of Chimn'ee that this company endeavored, within the firms of the successful execution of their task, to shide by our legal directives."

i. One minute, please. This is Prosecution Document NI-10577. Exhibit 875, Jonument Book 17, Emplish rate 105, German page 161. Let ma correct sessithing: This is a report by the Popertment of Justice. Would you please continue?

- A. Thorn is nothing more I con say.
- activity, Prosecution submitted earther document, NI-5750, Exhibit 852, Document Fook 47, English puge 9, German puge 28. Those are minutes of a thill conference of Ferlin NJ-7 of the 24th of January, 1939, and under paragraph 2, the so-called orientation visits at the Departments of Ferlin NJ-7, are discussed. Among other actters, it is stated here that such orientation visits more under by gastlames from the authorities, foreign organization, etc., who manted to obtain information about a certain country from VOJI before travelling abroad. Sould you please be good abouth to state your position, since you were present at the time?
- The authorities know that Vowi had excellent act miffice meterial at their disposal concerning various foreign countries. When a number of the Foreign Office was appointed as an economic attache of eacther country, he approached the Farban industry, whenever he had time, in order to be introduced to the representatives of Farban abread. For justifiable business reasons, Farban considered it important to get to know these gentlemen and to discuss with them the problems prevailing

22 Mar 48-A-4J-22-3-Arabapar-Famler Court 6 Case 6

in those countries, since then further colleboration would become simpler, when new trade agreements were concluded for instance. Meturally, these gentlemen of the Foreign Office now and again, if they had not visited the countries before, asked to be informed by Vani about the economic structure of the country, as for as Vowi was informed.

22 Norch-A-1W-23-L-Sampson (Rarler) Court 6, Come of i. (Unit mist) That alimps roved to be a success, and the porsonal contact which was established was reaful for both parties, ospocially for as in the account Male. The desirable it was to have contact with the gentlemen from the unboung our be soon from the fact that the other op bines asked to be represented by one of their reople during such visits in order that they might state their requests directly. I don't remarker a representative of the AC having been in Mi-7; it may be that at a later date during the unremien the functions of diplocatic re-resontatives coincided in part with these of the organization of the AD, that one of these gentlesen by have come from the AO; horover, I deal's remember my such implemen. Q. Pr. Frank Famile, another document of the Prosecution, NI-5732, Benible 900, Best 40, Serial page 8, Serian rage 16; is a record of another will conference of Mi-7 of the 15th of Cotober, 1937, which was signed by you at the time. In these minutes a trip of Dr. Housecher to Crocketlova is is mentioned. Could you lease tell no secretiling about that? A. Ir. Neebsones had just been and god with Farbon some wools bufore that, and I know that because of some political difficulties he and become uniosirable in Austria, G. Who Dr. Marbachur at that time already a prominent number of the Jetional Scialist Party? A. Hot yet. At the time, if he had been, he wouldn't have been my minted to a relatively insignificant contion with Farban. Q. Did you and the other gentleren and particularly Dr. Hyper, know already then that Dr. Housacher was intended for a prominent position in Austric later? A. No, we didn't know that. As far as I remember, he wann't ustomed very highly by the AC. Q. The Prospection assumes that with respect to this planned trip 9812

of Dr. Moudenments to Caucheslovelia sancting secret was intended and the Production commets this trip with the accumation of Ozochoslovehis thick followed a year the a helf later. That can you say about that?

- 4. I had relatively litted to do Ath and a southeastern Europe. Dr. In high ris trin was suggested then Jr. Thinor and Dr. Krneger were not propert; since by. Aubicher hardly inthe Forbon, I feared that during such a trip lite Covenes Invite es a Parbon reprusentative, he would Tot proportion be able to dod with the Farban representative, there. I wasn't sure that sine he was to purious want is they I asked that he roc.ivo ordays from Dr. Kraugur and Dr. Tigner, and only then deport. As for an I rounded, he was to surprise at a richland investigations in Corthoclevedia. I am only superficially informed about that because I didn't Gurl with it.
- 4. Dr. Crack Valle, were the diffic I des you feared which you discussed was a to f a littled assure?
- .. . , I would said that if a con who was ally shartly employed with Forder travels abreed, it is not quite right procedure; he should only travel air of having received in charge about Farbon. In view of the criticism to which Serlin Mi-7 was erbjected by the Sales Combine in Profibet and by the foreign representatives, to the effect that we sent new joogle obroad this dien't brown a cir bunines, we feared above all, turn is ticula cause merces with the Parten representatives in Casches . valida.
 - Q. In Mary marks, you fo red informal di Micrities in Farben.
- A. Yos. A art from that I didn't make enough about the whole affair. Lince Tigner and Krueger and Liven his program, they were to undertain the restability for the trip. As far as I was concerned he was morely a ten who was expelled from Anstria, a moighboring state if Czoch ploydie. In Csech slovakia it was know that he had been expelled and I found that the Parben prestige might suffer.

the international Fluregon Association in London and a similar one was later directors on the board founded in slo. In. Brikeen and I were of those expension and for that ressum them we eften not.

- Q. From your and handledge can you tell no what the relations of the Farbon gontleson, generally, and Dr. Higner in particular was to the gentleson of Hersk Hydro?
- A. The relationship was very friendly. Dr. Ilgner cultivated relationships with elderly gentlemen of those companies in order to incrosse his emperience. He had a very sincere friendship with hir.

 Ambert. and he was a friend also of ir. Eribsen. The relationship
 between Hersk Trire and Farban was very framely and positive in every
 way.
- Q. Did this relationaldy change after Horney was occupied by Gorman troops:
- A. No, I may may purhaps that in midition Person fult obliged to intervene in fewer of their cld friends.

- where you personally called in on the negotiations with respect to Nordisk Lettmetall?
 - A No, but I was generally informed.
- C. Did you gain the impression that pressure was exerted on Norsk Hydro by Farbon in connection with the Lettactell question?
- A No. I already said that it was my opinion that the gentlemen of Nersk Hydro were treated in an emiable and friendly manner.
 - thre you yourself over in Norway during the war?
 - A Yos, I was there in September or Cetober 1943.
- G For what ranson did you go and with whom did you negotiate?
- .. In summer 1943, as a result of an air attack, the nowly constructed plant of Nordisk Lattmotell in Mcroon was destroyed. If I reminist correctly, the Norsk Hydro was greatly concerned about the financial lesses which resulted. In addition, Mr. Erikson, as a formor reserve officer of the Norwegian army, strangely enough was arrested and sent to an internment camp in Germany. That mount that Heroen was destroyed and the general manager was arrested. Mr. Aubert turned to Cahaimrat Schmitz and Mr. Oster and, I believe he also approached Dr. Ilgnor, and asked that one of these three gentlemen should come to Norway as quickly as possible in order to discuss these worries which had started. Thuse gentlemen couldn't leave immediately and it was my intention to fly to Finland with Mr. Haefliger with respect to the Petsemo Eatter, and we arranged to go to Oslo first on our way to Finland. In Oslo we visited all the responsible agencies of the German occupation authorities there in order to try to affect the release of Mr. Brikson. We established contact

with Worsk Hydro and Ambort. We listened to their requests and then transmitted them to Berlin to the gentlemen I mentioned before. I think I already mentioned that we unfortunately didn't succeed in the case of Brikson. We were referred from one agency to enother. At the end we were told that Norway was no longer responsible for his release but that there were some agencies in Germany we would have to visit. After my return from Scandinavia upon the request of Ilgaer and ester, I immediately made my way under great difficulty to the interment camp where drikson was. I remarker specifically that I was the first person who visited those poor intermees.

- C What was Mr. -rikson's reaction to your visit?
- A Very nice. He was housed in sens big hostel. He was led outside into the read. He immediately fell around my neck and he was extremely happy to be able to see the first man who came from the outside world.
- Tr. Frank-Pable, do you know whather any further stops were undertaken at a later date in order to affect a release of Mr. Brikson?
- In the same way as Mr. Ostor, he visited Mr. Zrikson under the most difficult circumstances at his internment camp.
- L I should now like to put a final question to you,

 Dr. Frenk-Fehle. The presecution witness Diels stated in his

 offidevit, NI 11957, -gxhibit 1761, Document Book 82, English

 page 46, German page 47, that Dr. Ilgner was one of the three

 main heads of Ferben. Since you yourself can overlook the

 church field of work of Mr. Ilgner, I must ask you what you

 can say about that?
 - A What is it you want me to say? Up to the year of

1936, Dr. Ilgner was only a deputy member of the Vorstand.

I don't know how many regular vorstand mambers outranked him.

Apart from that, it is known that the department which was under Mr. Ilgner's charge merely exercised auxiliary functions in Farbon. I assume that Dr. Diels, who probably doesn't know the entire structure of Farbon, only mentioned a few names which were known to him and among those names was Dr. Ilgner's who, on the basis of his frequent lectures on export, industriclization measures, etc., was well known in Berlin and often came into public eye, Kiel Meck, etc. That is probably how this impression cross with Dr. Diels which is not in necerdance with the facts.

Q Dr. Frank-Fahlo, was there any rank, any position in Farbon called Hauptleiter, Main Leader?

A Ma.

DR. BACHEM: Thank you vary much. That is the end of my examination.

THE PRESIDENT: Is there any further examination from Acronsc counsel?

BY DR. VON KELLER (Defense Counsel for the defendant von Schnitzler):

5 Witness, a brief question.

on page 100 of their Trial Brief the prosecution writes that "In July 1939, the defendant von Schnitzlor, as was his habit every month, had a discussion in Berlin with Ungovitter." The prosecution terms Mr. Ungowitter as Reich Commissar for Chemistry. "Ungowitter told von Schnitzler that Hitler had decided to invade Poland." The Prosecution then exitinues to say: "During the same month, that is to say, July 1939, when Schnitzler was informed about Hitler's intention with reference to Poland, von Schnitzler visited in Kiel a meeting

of prominent foreign business mon where Farben played the role of the host."

I don't want to deal with the question here as to whether the presecution has correctly repeated Dr. Ungowitter's position and whether his utterances were actually as they mentioned it here. I only wanted to know whether von Schnitzler, in July 1939, attended this Kiel Week?

A as far as I remamber, and I don't believe my memory rails me, Mr. von Schnitzler did not attend the Kiel Week in 1939. The moeting was in June, by the way. I just looked through the memorandum and I found out that it was June. I must say that, had Mr. von Schnitzler attended that meeting, one of the foreign guests would cortainly have addressed one letter to Mr. von Schnitzler. At any rate, I don't remember that he was there.

Q For purposes of elerification, let as ask you this, did the Kiel Week start in June, the sixth month?

& You, that's so.

DR. VON KELLER: I have no further questions, your Monor.

THE PRISIDENT: Anything clas, gontlemen of the defense? Then the prosecution may cross examine the witness.

CROSS EXAMINATION

BY MRS. KAUPTANN:

Intelligence Department of the OKW well?

& I know Major Bloh, yes.

Did you also know his superior, Colonel Pickenbrock pretty well?

A Yes.

DR. BACHEN: Your Honor, I believe that these questions

were not touched upon during my examination; that they go beyond the scope of my examination and I therefore object.

MRS. KAUFMANN: I believe these questions go to the eradibility of the witness, Your Honor.

THE PRESIDENT: The Tribunal will overrule the objection on the sole ground that these are the first two questions that have been asked and they may be preliminary. However, unless there is some connection subsequently with the testimony of the witness, standing alone, the questions would not be proper.

BY NRS. KAUFMANN:

- Q It it not a fact that you ind Major Block request you for his department after you were drafted into the Army in 1939?
- in the lat of August 1939, I was drafted into the dereacht as a captain. I want through the war, up to February 1940, helding that rank and in January 1940 I was essigned to Major Bloch's department of the OKY. That was after my friend, colonel pickenbrock, found out that Ferben, thready since the end of December 1939 had made an application according to which I was to be released from military service.
- assignment to Major Bloch's department?
 - A Pardon may
- Usignment to Major Bloch's department?
- L.G. that I should be released from military service was created in February 1940. I returned to my regiment, which has on the Luxembourg border, reported, was told that I had been released, and then returned to Farben.

JUDGE MCRIS: May I inquire of counsel?

THE WITNESS: I have told this in long statements that are here since the past three years.

THE PRESIDENT: Just a moment, counsel.

JUDGE MORRIS: are you still attacking the oradibility of this witness? Is that the purpose of these questions?

MRS. HAUFMANN: If Your Honor places, I do not intend to pursue this line of questioning further. I have completed by questions and my intention was to show part of the picture of the witness's relation to MW-7.

JUDGE MCRRIS: On the theory that that affected the trathfulness or the weight to be given to his testimony?

IRS. KAUFILDN: That is correct.

JUDGE MORRIS: Of course you realize that an attack on his credibility goes to the credibility of all his testimony and this witness has testified extensively for the prosecution through effidavits.

IRS. KAUFLAKK: I believe the prosecution has taken the position with respect to witnesses called by the prosecution, particularly tipes witnesses who have established themselves as hostile witnesses to the prosecution, and I do not believe that the prosecution intended to be bound by —

LR. ALCHAN: If your Honors please, we do not understand the rule to be, in a case of this sort, where witnesses are offered for one purpose by the presecution, and we have indicated that the witnesses are officials of Farban whom we necessarily have to call, and in cases where the witness is offered by a defendant and we undertake to cross-serving him as to the scope of his testimeny that in the event we undertake to interrogate a defense witness as to his predibility we thereby also ettack his credibility for the purposes for which we have effored him as our vitness.

THE PRESIDENT: Well counsel, this is one san. We has testified as a witness for both sides. If you can doubt on his credibility you have east doubt on his credibility as a witness for yourself as well as for the defense.

MR. A CHAIN This hour arguing the point then let us say that the letter questions just out to the missess are then not for the purpose of attacking his creditility.

THE PRESIDENT: Then on the motion ande by the defense the testimony referred to by the presention is not stricken from the record and will not be considered by the Tribunil.

SY RS. KAUF LAN:

- 1. You have testified that the purpose of the Kieler Works conferences of 1939, which is Prospection's Exhibit 779, was to discuss companie problems. Is that correct, witness?
- A. I repeat. It is correct that the purpose of the Kieler Tocko
 1939 was to continue our ideas which we already had carried through in
 1938 -- in other words to keep in close contact between some of our
 business friends of the different Duropean countries, and to continue

to exchange our ideas about the economic cooperation in Europe and in the Nestern civilization.

- 1. Is it not a fact that you attended preliminary conferences with
 the High Contant of the Many and other jovernment agercies for the
 purpose of clarification of the political questions which would be
 discussed by the foreigners at this conference?
- A. May I ask you, Mrs. Mculeman, to tell me where these discussions should have taken place? I remainer that we had discussions about the cuestion of currency matters in the Reichsbank. It might be that one of the employees of NT-7 had discussions with the Navy about visiting and having to arrange a lumcheon on one of the ships at the conclusion of the Rieler Noche.
 - Q. Do you recall the ---
- A. But I'd like to ask you purson os I don't recollect any discussions with the Mavy about may political questions and I repeat that it might be that one of the suployees of the so-called Auslands Club or of the I.G. has made arrangements for a luncheon on the Aviso Grille which was the boat on which, I believe, Admiral Raeder participated on the final day of the Kiel Yackting Regatta. I don't know whether this is the explanation you meen.
- Q. I am going to read from the memorandum of Pietsch concerning the Mieler Noche program and ask you if that refreshes your recollections concerning the question I put to you.

THE PRESIDENT: Counsel, would you please identify that as an exhibit so we have it in the record.

135. NAUFILIES: Yes, that is Prosecution's Exhibit 779. This is a report about the preparation upricated the execution of the Kieler Moche program and in connection with the preparations it is stated here on page 65 of Prosecution's Book Wit The German economists, as in the previous year, were invited to a meeting for the internal clarification of those political and economic questions which probably would be presented by the foreigners in the first instance. In this discussion which took place on

20 June, the various questions which could be important in a conversation with foreigners were discussed. In the main it was agreed that the center of the interests of the foreigners would, as far as it can be assumed, not be the economic but the important questions of foreign policy, and thus it was regarded as necessary to have, especially in this connection, convincing explanations and arguments at hand. Thus, to the question of the protectorate it was, among other things, established that Germany did not only permit a cultural and economic sovereignty of the protectorate but even desired it. ** Do you recall now those preliminary conferences concerning the Kieler Toche?

- A. I recall preliminary talks but I mean I amboking where the Mavy comes in and the margins. I shought —
- Q. At the first part of this comment which I read to you you will And statements that this program was discussed with the high command of the Navy and other government officials. However my question to you is, do you recall these comformaces?
- A. Parting to, I have to here in German. I am sorry I have only the Corman copy.

THE PRESIDENT: Mould you, councel, and witness alike, please slow from a bit so that the translation has an opportunity to get to us before you ask a question or undertake to ensuer one.

A. May I answer. It reads clearly first, there were discussions with the city — this means the city — and the Chamber of Commerce in Manburg. There is a meeting started in Manburg with the Marine Oberkommando. This means the command of the Mary, and with the management of the yachting arrangement of Kiel a program was worked out. I don't see — I think my explanation which I gave before is absolutely in agreement with these remarks. That it was the arrangement because a Navy is, I believe in all countries, very much interested in yachting. This is everywhere because they love the sport and therefore the Mary was always a very important part of this sporting event — what we call the yachting week in Kiel — and our employees the arranged it had to discuss the details with the Navy.

9825

Q. I have no further questions, Your Honors.

THE PRESIDENT: Now is counsel through with this witness? If not, so indicate. There being no further request for the interpogation of the witness, you are excused.

DR. HATH: Your Honors, I am now turning to the presentation of my documents. As I have just more the originals of these documents are not available here at the moment. By colleague, Dr. Backen, has just left in order to get them here. I think that we can start enymay.

THE PRESIDENT: Well, on your assurance, Doctor, that they will be brought, you may go along.

Dit. MaTH: In order to signify unitors for the Tribunal, I have compiled a survey of all the subjects to be don't with in the document books. I assume that th's little survey booklet is available to the Tribunal in the English text. It's a very thin volume.

THE PRESIDE Or Does it lave a book number, Doctor?

Di. MIR: No, it is nevely a compilation concerning the contents of all the ten document books so that the Tribunal may find its may through them. But we really don't need it very badly. I think we will go from one book to mather.

THE PRESENTAT: I just discovered that I have some Comman books here that you may need for some other purpose and I will return them to you. You may go shead.

DR. Marks At first I should like to take up Document Book Number 1.

I shall now offer Higher Document Number 4 as the first document. This is an affidavit of my client perceiving his curriculum vitae and a report of his activities up to the juar 1933. This will become Higher Exhibit Number 1. In this connection let me point out that three documents of Dr. Higher were already offered for purposes of identification during the trial which received exhibit mashers one to three. At the right time I shall refer to these documents.

THE FRESIDENT: Then perhaps to keep the record straight should you not number this number 4 because I suspect that already in the Secretary General's office you have some documents, even though marked for

COURT VI CASE VI 22 Mar 48-25-5-A-APH-Mills (Remlor)

identification only, as Ilmer 1, 2, and 3.

DR. HATH: I agree, your Honor. I think the first document could well be given Exhibit Number 4.

THE PRESIDENT: Yes, I think that would be better.

ER. HATH: The three following documents deal mainly with the social and political attitude of Dr. Hyper. The next document will be a collective officiavit of former employees of Parben, and I ask you to accept it as Hyper Exhibit 5. The next document is an affidavit of the prolomist Erich Hueller, who, from the time of 1934 to 1945, was active with the Mipo. This will receive Emilie Mumber 6. The next document, your Honors, is an affidavit of Edmard Schwermann, section head of the administrative section of Farben Jorlin Fig.. This affidavit also deals with Dr. Hyper's attitude towards social melfare questions and his reaction to requests by the Party.

Now follows Ilgner Document No. 8. This is an affidavit of Preulein Lotte Dachne, who from 1937 to 1945 was Dr. Ilgner's scoretary and who is acquainted with Dr. Ilgner's public functions and his duty in the Party. This will become Ilgner Exhibit No. 8.

The next page of the index lists Ilgner Document No. 9. That is an affidavit of Guanther Schiller, assistant of Dr. Ilgner from 1929 to 1936. This affidavit deals with the Rotary Club and disproves the Prospection's assertion with respect to the date of Dr. Ilgner's entry into the Rotary Club. This only occurred after the National Socialists assured power. This document will become Ilgner Exhibit No. 9.

Concerning the same subject, I subuit the affidewit of Thile Freiherr you Wilnewsky which is Tigner document 10 and will receive Estant No. 10.

Finally, the afficient of the former Reichminister Heinrich F. Albert, retired, who was a member of the Rotary Club and who know from his com knowledge that the club accepted Dr. Hyper on the 16th of Decemer 1933. This will receive Hyper exhibit No. 11.

Next is an affidevit of retired General Rudolf Husnermann who speaks on the question and significance of a Weignirtschaftsfuehrer (Military Economy Leader. This will receive exhibit No. 12.

If you will please turn to the next page of the index, the next four documents deal in particular with the attitude of Dr. Higner with respect to International economic cooperation. This is the affidavit of the Reich Economy Minister and Reich Bank President, retired, Dr. Hjolmar Schacht. It will receive exhibit No. 13.

There now follows, with respect to the same subject, an affidavit of Reich Chancellor, retired, Frans von Papen. This Ilgner Document 14. It will receive exhibit No. 14.

13. ALEYAN: With respect to Exhibit No. 12, an affidavit of Employ Conservant, wherein he just incorporates some statements of General Thomas, now deceased, we object to that on the ground it is incompetent and in effect notes of a deceased affiant.

DR. NATH: Mr. President, the affient in his affidavit has identified the statement made by Nr. Thomas who is deceased. He certified to these state ments a sleing correct and made them part of his own statements. I den't think an objection to that affidavit bhould be voiced.

TIE PRESIDENT: Were these written or published statements or oral statements made by General Thomas?

DE. MATH: ir. President, Conord Thomas, while he was ill in some hospital, made a written at tempet on this subject. This statement was submitted to his associate, Mr. Huenormann, who is the affinit. Mr. Huenormann confines that what the decreed Thomas said in writing in the hospital is actually correct in relation to the subject. Colorairtechaftsfushror.

Let me draw the attention of the Tribunal to the last page.
The witness says: "In supplementation and summary of the above statemonte taken from the written declaration of General Thomas, I should
like to state," at actors.

THE FRESIDENT: Can you tell us now, counsel, whether or not the Prosecution offered some statements of General Thomas in evidence? It has been mentioned so many times I am just not clear as to whether or not any statements purported to have been made by General Thomas are in syldence in this case. Are you in a position to say?

DE. NAME: Your Honor, from memory I con't tell you. I think I do remember that the Prosocution has submitted documents as to General Thomas' statements he made. I can't tell you offhand but I could tell you temperoy.

THE PRESIDENT: Perhaps, the Prosecution can tell us. They perhaps have a batter mamory.

General Thomas: We do recall having put in a public statement of

THE PRESIDENT: In that view of the case the Tribunel will over-

may have some bearing or relationship to the evidence of the Prosecution coming from General Thomas.

You may proceed.

DR. MATE: I was dealing with the subject of Ilynar's cooperathen with other leading economic circles of foreign countries. In that connection, I should like to offer Ilynar Document 15, which will receive exhibit number 15. This is an affidavit of Ernst Freiherr von Maiscaselur, former State Secretary of the Foreign Office. He speaks about Dr. Ilynar's appourance in Sweden.

I shall not turn to 'n affidavit of Erbprins Gottfried zu Hobenlohe-Langenburg who is a cousin of His Unjestic, the Ring of England, and F rincess largarite su Hobenlehe-Langenburg. That is Elgner Document 15 and will receive sublibit number 15. I should like to quote page 59 of this document:

"Dr. Ilgner here almys dismissed the idea that it might dome to
um ras being absolutely absurd. We declared that Germany and the
Corner according to the information he received there, there was no need to
count on the possibility of a marlike development."

I should like to point out that this Dr. Ilgner's visit to the prince took place from 29th of July to the 2nd of August 1939.

The next document which I am going to submit is Ilgner Document

17. This is an affidavit of Freiherr von Wilmowsky who stated that Dr.

Ilgner did not share the Mazi principles with respect to a superior race.

The Mazi attitude with respect to the church and the treatment of the

Jour and foreigners and that, on the conversy, he rejected them strongly.

This docume t will receive exhibit number 17.

The next document, Ilgner Ho. 18, is an affidavit of retired Ambassador Earl Ritter. In this connection I refer to paragraphs 2 to 7 of the affidavit. This document will receive exhibit number 18.

The next document, Ilgnor number 19, is an effidavit of Dr. Willibaldo Passargo. The witness gives an exhcustive exposition of the 22 Har hd-A-FjC-26-h-Primoon (Ramlor) Court VI Casa VI

international tendencies of Dr. Ilgner, in particular in relation to France, he says, and I quote:

"During my life I become acquainted with but fow people who pledged themselves and their activity which such passion to mutual understanding and the preservation of peace as Dr. Ilguar did."

This will become Exhibit No. 19.

The next Decement will be Ilgner No. 20. This is an affidavit of Dr. Johannes Conrad Dichenauer. He speaks ab ut the way Ilgner was judged politically by the Party. Will be Lighbit 20. The following 12 decements alow Ilgner's extensive activities in assisting racial and political parsecutees. They are largely wifi avits which have been node by the people concerned the melves, - that is to say, the persecutees.

Inger Decement 21 is the efficient of the Swedish postor, Birger Foreil, which will receive Ex ibit To. 21.

Ilgner Document 22 deals with the same subject. It is an effidavit of Thile Breiherr you Wilmowsky. It mentions the assistance which Dr. Ilgner of cred the Arbarander Ulrick von Bracell, at great risk to its own life. This will receive Exhibit Mo. 22.

The next document, document Do. 23, is an affidavit of Dr. Vollroth von Malten. This will receive Rebible No. 23.

On the past pric. Decement Fo. 119 is an efficavit of TheodorHorn. boots, Envey Introordinary and Minister Plenipotentiary (Petired) of Austria bol so the Amerikase. In Illust protected his and employed his with the YOMI in spite of serious resistance by the Gestapo. This will be Ignibit 36.

We shall now turn to Tigner Dominut No. 24, and afficevit of Dr. Erich Mouller, who states that Hisner also helped Datch, Morwegians and French in many cases, and did no to such an extent that he had difficulties, and that there were numerous se-called "Higner" cases in the Totch Ministery of Justice. This will become Exhibit 25.

The next decument will be II nor we. 25, an affidavit of the Deputy Mayor George von EreichOppert. It concerns the same subject, and will receive Erhibit Me. 26.

The next decement will be Ilgrer Document 26. This is an effidavit of Dr. Alfred Mueller. The document will receive Exhibit No. 27.

Would you now turn to the next page of the index? There you will find Ilgner D cument 2", an affidavit of the frau Erna Stofanie Petrich. It will receive Exhibit Mo. 28.

9832

The next deciment will be ligher No. 28, an affidavit of Hans Juergen Fuhrmann. He was also on recial grounds persocuted, and No. Ilgner, in order to help him, coplayed him as an apprentice with a salary of 350 marks per month. This will receive Exhibit No. 29.

The nort decement, Ilgner Me. 29, is an affi avit of Poeter at Lew, Oakar Jaques. This will become Labibit Me. 30. The two last decements, Ilgner Decement 30, is an efficient of Dr. Paul Lederer, Charghei. I queto: "Dr. Ilgner, wherever he could, did his best to help the politically and recially persocuted".

Your Zone, the last document is designated here erromanusly as an affidavit. That is Document 31. This is a letter of the General Director of Morekfydr, Sjarno Irikaun, dated the 12th of Movember, 1946. This letter deals with the same subject. However, it was not stated under oath by Mr. Erikaun.

Your area, I should like to sok you to receive this document for the following rose an, elthough it four not car the proper form, the Tribunal will recall that we made a request to go to Harmy, and the Tribunal emprand that trip. Up to this time we were not able to do that. We have tried to catablish contact with Mrl Brikeen by writing to him. Mr. Erikeen re-lied, but he told un that he has already made statements to a representative of the Prosecuti a, and he resumed, erronemely I think, that he fospit have to make any further statements. We turned ence were to H mery, and we received the inf rmati n that Dr. Irideen is now on an coan liner making an -verseas trip. In withor words, we cennot rord' it. Boyand that, our trip to Onle, was difficult, because of lock of foreign exchange. The Willtary Government, unfortuentely did not approve that trip because we do not have foreign exchange, and then, through friends, we man od to sat hold of foreign outchance, and we hope that it will still be presible for us to receive the necessary d cusentary twisconce. In view of this emergency state of affairs, I sh uld like to rek you to receive the deciment into evidence.

THE PIESIDET: The first bridge to creas is the attitude of the

Presecution. Is there any objection to this decument?

IC. EXCEL: Tos, we were ab ut to bject on the basis that it was not an afflicavit, but in view of what Counsel for the Defense has said, we would succest it be marked for identification, and that subsequently if they get an officavit form, it will be perfectly all right, and we will withdraw any further objection.

THE PESITE T: It do s look like a mortat of a hordship on the Island, but ofter all we either oust follow rules or have no rules. Under the circumstances, the Tribunal will assign No. 32 to the Island Island's Document 31. We will mark it as having been received for identification ally, and, Councel, if y u can get a verification of this affidavit arms time before the close of your case, we will repeat the metter of its admission.

You are convect in soying that the fact that this purp read witness may have made a statement to representatives of the Prosecution is no recent why he convet make a statement for you. That's about all I know we can do with this now. We will mark your first as Exhibit 32 for identification may.

IR. Jam: Pie brings us to the conclusion of Document Book 1.

I should like to hak the Tribunal to take in ld of Higner Document Book

In. 2. The first document deals with the organization under Dr. Higner's charge, Berlin 37 7, and its position within the entire structure of Farten. They also feel with Higner's position within Forben. This is thereof Document 32, which will receive Exhibit Ma. 33.

Furth move, I for Ilgner D cumbet 33. Dis is the officerit of Dr. Sucritar Trans-Folio, the witness when we have just soon here. It fouls with the subject of ut which he was not hard by me during direct translation. It was the same subject as the provious officerit, and it will receive Invibit No. 34.

The following eleven d cuments dealwith the VOWI. I beg your pardon. I made a mistake. The next document, Ilgner, 43, deals with the tesk of the Central Finance Administration, and is an officiavit

by the pr kurist, Willi Holfort. It will receive Lahibit Mo. 35.

And now follow eleven a cubents which don't with the VCMI of
Berlin Farbon IN 7. Ilgner Document 49 is an encorpt from the minutes
of the working Committee meeting of the 13th of January, 1927. It bec mes approach from these minutes that Scheimant Bosch, already in the
year of 1927 draws at entire to the meedesity for a detailed study of
committee cycles, and he was prompted to this action by the similar actions
of the big American encorms. That will receive Eghibit No. 36.

The following document, Illner 34, is an efficient by Dr. Beithinger, who was the Chief of the VCVI and in which he describes the history of the development of the VCVI department and its works. So points out in particular that the VCVI was shown to all interpoted parties at him and alread without any reservation and that that was in accordance with an empress directive by Mr. Illner. This will receive Exhibit Me. 37.

I should now like to make you to turn to the next page of the index. I shall of an iligar Dromont 35. This is enother affidavit of Dr. Anton Reithinger, in which he particularly don't with Prosecution Dromant II 7572, Exhibit 877. The witness states that the Chemnyer, New York, and he spager re onto, soon his political literature, etc. to YOMI and that all of this was unterial which was accessible to every pars m in American public life.

I shall assign orbibit # . 39 to that demont.

TERMSITE To Cap Tribunch will now rise until 9 - clock top row parting.

(TINE I I CES WHE 0900 H UPS LACE 23, 1948)

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Rol1 10

Target 3

Volume 28, p. 9,836-10,208

Mar, 23-30, 1948

23 March 40-c-GJ-1-1-Gaylerd-(Rander)-Court ó case 6

> Official Transcript of Military Tribunal VI, in the matter of the United States of America against Carl Krauch, et al, defendants, sitting at Mucrobert, Ge many, on 23 March 1948, 0900 hours, Judgo Shake presiding.

THE PERSONAL The Honorable, the Judy's of Military Tribunal VI.
Military Tribunal VI is now in session. Und save the United States
of America and this noncreble Tribunal.

There will be order in the court.

THE PRINCE TO may report, ir. inrabal.

Tiff ralling lay it please Your bonders, all the defendants are present save the Juferdents Leutenschlanger and Haefliger due to illuse; the defendants Oster and Settiness excused.

THE PRESIDENT: Y u may pr cond.

bit. NATE: (Counsel for the defendant Ilenor): Your Hanor, let me initially point out to you that I found out that the index of my decument books contains a number of translation errors which somewhat distort the sense. I shall possit sysclf to submit a general correction of the translation of all document books afterwards.

We presturing stopped when dealing with Document Book II. Would you please hat hold of Document P k II and turn to Page 2 of the index. The Tribunal will remember that I submitted documents yesterday concerning the VO-II. In this connection, a number of other documents are yet to be introduced. First, Ilener Document 36. This is an affidevit by Dr. Hans Richter, who was a number of the staff of the VO-II. This document will receive Exhibit No. 39.

The next document Ilemen 37, is an accident by the Vienna Branch Office of the VIII. The difficulties by Problems Dr. Hermann Gress who deals with the reasons for the creation of the Vienna Branch Office of VOII, and je points but the numerous scientific publication of the United States and Great Britain during the sears from 1927 to 1933 about the scutheast European countries. This document, Your Romer, will receive While the box to be the countries.

23 Mar. 18-4-6J-1-2-Gaylord-Court 6 case 5

I shall turn not to the next page of the index where you will find the Hener Document 18. This is an afficient by the retired envey, Warl Ritter. This was already submitted to the Tribunal in my document Book I where it received Exhibit No. 18 already. I submitted it again here because it fits into this context. It also weaks with the tasks of the VOMI.

I should like to quote the first parameter on Page 52 of that document: "If Furbon during the function exchange crisis of 1931 and 1932 did not suffer any foreign exchange losses, it is the merit of the repid and officient observence of VNI and the personal reports of Higher."

I should now, like to submit another afficevit by Dr. Heithiager, Hence December 33. The affiant deals with the work of the Vest for the Okr during the war. In this connection, he refutes a number of decements submitted by the Presecution. In particular, he plants out that the se-called Standart-Kert n is a I were completely unsuitable for air force purposes, and that they exalt not have formed the heads for any headpartment by the Gomen air i were. This decement will receive Sxhibit No. No.

I shall now turn to the next page. This is II her Decement 39, an afficient of Dr. Sudolf Baier, who curries the war was a member of the military economic staff of the ONA. We a affirm the military conscription of the numbers of the VONI against which Farbon could not content because of existing regulations. We also confirms that other institutes and fires were asked to called rate during the war. This document will receive Exhibit No. 12.

The next document, Your Henry, will be Ilener, No. 40. This is a decree on compulsory information from the Reich Low Gazette. This document, Your Honor, is already in evidence as Exhibit Ter Moer 76.

23 Mar. h8-K-GJ-1-3-Gaylard-Court 6 case 6

This TRESIDENT: Perhaps since you have it in your book, Doctor, you had better also give it your own number and then it will be lose confusing to us. It will do no harm, the fact that it's an exhibit.

of the lit into of my own numbers? Yes, very well. This document will receive Exhibit no. 43. I should like to point out that I included it into my document book morely for the sake of completion.

The next affidavia will be Ilgner No. Al. It is a statement of Dr. Anton Reithinger. He discusses the correspondence with General Gautier in Vienna which is discussed in several Prospection Exhibits. It will become Exhibit hh.

Harar D. current h2 is an affidavit again of Dr. Anton Reithinger concerning consections of VOLI with the national industrial conference board of New York. This will become board by No. 45.

Included now turn to the next page of the index. The two following documents deal with the economic political department, Surlin Notation collectiff. First, we have Department No. 50. These are excerpts from the working countities of the 7 September 1932 in Halle. It becomes apparent in a tause minutes that the 1970 was founded in 1932 and that it was circuity subordinate to the central countities. This document will receive Exhibit ">1. 46.

The next december, Ilener 46, is an affidavit of Dr. Jost Terhaar who describes the tasks of the TPO. This will become Exhibit 17.

Ilgner Document 75 will be the next document. It is an affidavit of Dr. Guenther Girr. He was a prokurist in the Vermittlungsstelle-F. He testifies that between the Vermittlungsstellen-W and the WIPL there was practically no working connection. This will become Exhibit hd.

I am new turning to Higner Document bu. This, Your Honor is an extract from the minutes of the 27th meeting of the working committee of 9 September 1927 establishing an information center for Ferben. This will become Exhibit Mo. 49.

The next decument, Your Honer, will be Ilgner No. 51. This is an affidavit of Lario Passargs, who was enjet of the press department of Farbon, Saclin 25-7, later called the information office-Nachrichtenstelle. Your Honer, I should like to farego one paragraph of this decument, and I ask you to strike it out. Would you please turn to Page 8h of the decument book? On the first page, Page 8h, will you please strike the third paragraph which starts with the words: "The first press office of Parben..." and onds with the words,"...that was in 1935." I offer the rest of that affidavit and I shall give it Exhibit No. 50.

The last comment in this book will be ligher Document 115. This is another afficient of Neric Passarge in which he discusses the commentaries of Dr. Hener with the "Transcream." In view of the small participation of Ferben in "Transcream," howe an aufsichtsrat member, but he never ernearned himself with that function. This document will become Exhibit 51.

This brings to in the end of my document book II. I should like took the Tribunal to take up document book II. This document book to III. This document book III. I should like the light book III. I should like III. I should like the light book III. I should like II. I should like III. I should like II. I should like II. I should like II. II should like II. I should like II. II should like II. I should lit should like II. I should like II. I should like II. I should li

In my spenial statement which the Tribunal may parhaps still remember, I said that I hoped to be able to submit the reports of VCCI. For technical reasons, I have to foruge that intention, because in view of the extent of these papers it is impossible. In order to, however, live the Tribunal a picture of the work of these two departments. I have submitted the lists with these two decuments which contains all the papers now in the archives of the I.W. Control Office at Bayer-Leverhusen and Frankfurt. If the Tribunal should desire to see some of those lists and have on hand some of the reports of these lists,

23 Mar. hc-L-GJ-1-5-Gaylord-Court b cast 6

they could be submitted in their original with the approval of the allied control authorities. The correctness of these lists has been confirmed by cortification, and you will find that Mr. Peter Krommeller, on Page 1, made a statement to that affect. I shall, therefore, submit Ilanar Decement his which will receive Exhibit No. 52 and Hanor Decement 15 which will receive Exhibit No. 53. This brings me to the end of Ilaner Decement Brok III.

In the following document book, Illener No. 4, the first focusent, Illener To, 5k, feels with the tasks of ctivity of the office of the someroid of wittee, BdKs. This is a afficivit of withur Schoene. This document till receive Exhibit So. 54.

The HI following documents is all with the organization and activity of the Purboultaison men. These are purbly of with by Furboultaison men who are will today active abroad. Let me add that they are not obtave as Furboultaison men today, but they are still professionally obtave abroad. The first document of this series is Higher Document 53, which was alread introduced by the Professional and Salar Today. It is an Ecok 14 and bears of 1-1927. Since the profession only submitted excerpts from that document, I, on my part, have also submitted and repeated note of the excerpts about the single of interest to the Defense. These are excerpts from the single of the meeting of the odd value of the profession and the modeled upon. I are reject that this increase is the Profession Embit to.

362.

JOYNG I FIS: LET I sak a quittlen, Acctor? Have you so littled in your attribute of the document than the submitted of the prosecution, or is it the same parts of the occument?

here in other to complete the subject with which we are decline, no in order the proper connection.

JUDY IX IS: Thank you.

DR. TH: The same applies to the following document, Ilmer 54.

THE COMMENT: I am sorry, doctor, I do not believe you at ted the exhibit number of your document 53. e will assume to t is 55.

DR. TW: Yes, Your Monor, I eggins perdon. It will become Exhibit No. 55. The same applies to the following document, Higher to 54. This is an excerna from the simutes of the meeting of the commercial counciltee on the LJ of deptember 1937 concerning meetings of Farben Li. son wen in foreign counciles. This document was also submitted by the prosecution

who gave it Deibit 363. I shall assign to it the Exhibit 30. 56.

The next document will be Ilgar Jocusent No. 55. This is a affilt wit of Justus Saxer, who was the head of the BdK . Te discusses in detail the tasks and estivities of the AFT lisison asmini than lay the tasks of Torben lieison men. The wifilmt says that 257 has son men were alre of appointed in 1951 and 1952 in various countries. He sentions some and in connection with Forben 11 ison men. The afficht state the following - I should like to quote from Fage 9, this is the first oregraph: "The postion of membership in the ASD P played no part in the selection. On the controry, it was known that some Parben Linison men, e.g. Hamars, in zil; Fischer, Lexico; P. ssarge, Paris; Svenson, Gosteborg, were pronouncedly opposed to the Party and were criticized and att ched by it. Furthernors, only part of the Parten lisison cen were termen mationals. 'ros the ettached list, it on be seen that approximately 30 per cent of Farben ligison men and wheir depoties and asistants were for englers: Of the 45 gentlemen listed, as for as I am informed, only 5 all an mittainl position within the .. 0. - foreign organigutions - the tis to say, approximately 11 percent." This floor ent, Your Honor, Hill receive Exhibit No. 57.

I so il now turn to the next pie of the index where you will find Ilgner Journal 102. This is a latter discussed by the BdC of bed the 28 of September 1937 to ar. Fischer, action, concerning his appointment as Ferben it ison min herico. I think that this document will afford you a good isight into the mestions a to that directives I room like-son men bro i received. This document will receive Exhibit to 55.

Forben 1: ison as n in Lewico, whom I just mentioned, or Fischer, the still resides there. We, himself, Seccribes in detail his convity as a Forben 1: ison as n and also deals with or Ilgner's presence in exico in November-December 1936 on the occ sion of his journey to L. tin Lerica.

From this document, I should briefly like to mote from P. e 26. It is the Lat paragraph on that page. The affirmt says, and I note, win the case of all reports, we here priced exclusively by the imbent to serve only the business interests of Parben. Nor was anything else dear and of us at all on the part of the superior F rich minorities; on the contrary, they, on their part, referred repe to 1. to the fact that we must, under all circulatiness, observe the last of the country those hospitality we were enjoying. This was discred to the fullest extent." This document will receive include No. 59.

Hax Heners of Rio to deneiro. The afficient was the Perben Lation and in Brisil. We discussed his activity is Perben litison and not he also to it in the fill of 1955. In connection that the reports which he compiled as a litison and the efficient age, on pige 31 of the document book and I quote from the last program, to interesting economic events, and have a send on publications which were accessible to all circles. In diction, I have to mention that Perben never requested me to transmit reports which were not exclusively of a business mature." This fock out will receive achieve the best which were not exclusively of a business mature." This fock out will receive achieve the best to 60.

The next document will be ligher No. 58. This is an Ific vit of the F-rien livison and, Kluthe, in Italy, in Milan. No sign that his main intivity also devote himself, to the sales of Farber products. He says to the did not make any F-rien livison reports. This location will receive Exhibit No. 61.

There you will find Higner Jocument 59. This is an affidivit of the Farben la ason man for Jennark, ange (venilo from Gopenna and He still resides there. He is a Danish citizen, I mote briefly from 1 to 37 of my document book. The afficiant says: "It was never my impression that the institution of a room liaison men served my but commercial urposes." I skip one sentence and I mote, "At partner, Director Harl Allia, hid greed with me not to serve the interests of the engagent, and even less the Gestape at any time, his interests of the engagent, and even less the Gestape at any time, his interests of the engagent, this find wit of the Farben liaison and for Denark will receive Exhibit 10. 32.

Figure Tour sent No. 60, I shall now offer in afficult of the Firben instance for Chim., Dr. C. Il Gottfried Cadow. To excite that the tasks of the Firben linion on for Chim in when of the tendence for the spendence on the part of the Sales Combines of Firben, were traditional institution and that any such activity was only partly accorded. His most important that as as Firben in idea in consisted of the current investigation of observation of the foreign exchange situation, in view of the Firben business in Chim. From this very interesting document, I should like to nucle briefly from the Al, hast part graph, "In view of the troubles in Chims, which tent on for many decides, it is obvious that to magnesticate the development of the currency and market position in a reliable way, it was, composite thangs, essential to observe the collision situation in Chim. If it

that not happened any forecase with respect to the Parben business in China, would have been in possible. That would have resulted in large losses for the Farben business in view of the Farben amounting to many millions." This will receive Doublit No. 63.

Tabilitum to the next pipe of the index. The following document be relief. It is an affir wit of hans Burandt, corner Commercial through to Mexico. The affirst reports from his own more done about the collect of the Mexico 7 rown listson and Firscher, as well is his resistant numboldt. We also reports on the activity of the Parben II ison and for 5p in, in. Bjrk. I should like to note from page AA of that document: "From my close to maintained with those three gentlemen (I was, incidentally, o very friendly terms with Mose three gentlemen (I was, incidentally, o very friendly terms with Year Placks:) I am in a position to confirm, that they were norther only for the I.G. we not for the Party, the State, or any other agency, and his mething who become to do with aspicage. I must aid that they would have then a most unsuit ble close for such thaks, a had that they would have then a most unsuit ble close for such thaks, a had that they would have them. Most unsuit ble close for such thaks, a had that they would have then. Most unsuit ble close for such thaks, a had that they would have them. This document till receive Exhibit to. My.

Illy a Dicement Me. 62, is a report of a Farben livison can on the economic situation in Paragraph an Cotober 1940. If fortunately, it is the only report which was accessible to se and which I could find. I am sure that it will convey to the Trabunal in impression bout such reports by Farben livison sen. I shall assign to this Societati, Sanible 10, 65.

The nert document will be Higher 63. That is an illimit wit of Or. Nort von Lewinski. He was the letter Consul General in Jon York from 1925 to 1931. He reports on the reports of the american consular service librard. This will receive Edubit No. 66.

deted A lovember 1538 to the State Department in Exshington. It becomes any rent from that document that are lowerd, as a represent tive of Standard Cil informed the imerican Governmental authorities bout his impression with reference to the production and import of the most essential for susteriels, that is to say, in Germany. All his statements are confirming Germany. Furthermore, it becomes apparent from that document that are Howard expressly stated that such information was only intended for the Departments of the State, has end I vy. He adds to the report a chart about the production in and import into Germany of sulvents, lubricants, rubber, synthetics, fibres, etc, and here again he discusses Farben's production in a synthetic field. I think that this document will afford the Tribunal any opportunit to study such a tters which are the subject of the indictment in Unia case. This document will receive Exhibit No. 67.

The next document, Your Monors, wall be Higner 65. The Following alleven documents deal with Farben's 33-7 relationship with Amehr, CM., and SD, no, in particular, Dr. Higner's attitude.

The first I shall submit is Ilgner Jocument No. 65. This is in affirmate of Dr. Fritz Ruediger, who was deputy absolut represent tive and later by our representative of Berlin M.-7. He reports on the creation of the so-called Mob. Referre of the IPO and the institute of absolut representatives. He states that in the execution of the duties which he had to fullfill as absolut representative, he had reported difficulties with Dr. Ilgner, since he had little understanding about the official regulations with reference to the counter-intelligence field against sabotage, etc. This increment will receive Exhibit No. 63.

The next document will be Ilgner 104. This is an afficient of Dr. Justus Sexer, who in the same way testaffies that there were no close connections between Dr. Ilgner and Dr. Ploch of CKN abwehr. This docu-

ment rall receive Exhibit No. 69.

The next decument, Your Honors, is an efficient of Ibracht
First. It is Digner Document NO So. Fe was the Group Chief of the
Petrat Resonante Intelligence Service in the CKW, Foreign Duchr.

The I'll no states that he never observed that Dr. Digner of yed any
role the Massyer in the German counter-intelligence system. Ith reference to the view of the seich Security win Office, which fiter
the 20th of July 1984 took over the tasks of the Office Duchr Ck.,
the afficult motes the following with reference to Fireen: ould you
ple so than to page 6t of the document. It is the list sentence. I
think this menterne is significant considering the view of the Great po
on Fireen. I waste "The gentlesen of Fireen only come if they wint
something. On Jack: "The gentlesen of Fireen only come if they wint
something. On Jack: "The gentlesen of Fireen only come if they wint

ovid you be good enough to turn t the next page of the inter, Your Monora. Here you will find laner decement No. 67. This is a offid vit of Dr. Ruperti. He served a a ceptain during the world was in ity into the aconomic Intelligence Service of the Com. is superiors were the stid Brock, Pocto, and SS-St. ndertenfucing a Scholed. ith ref r once to Firben's cell bor tien with the Economic Intelligence Service, the vitness states the fellowing on page 69 of the fectiont book. It is the second pregram at I shall suote briefly: Wone of the title an ambiented succeeded in including Farhan to cooperate in the comorde intelligence service, so it was generally the underat and ble tendency of big concerns working abroad to avoid connection with the intelligence service on account of its compromisin character. If, that fort, the opinion is held that occoming had system kically support. I the sequisition of information than that is wrong. " I should like to be west the Tribunel to turn to page 70, where I shall note the I at more graph, because of its interest. I muote, "Throughout my official convity I never saw Dr. Hancr in the counter-intolli once

23 March Ad-19-81-3-5-Iminger (Ramber) Court 6, Coso 6

building in the CMT, nor did I have of economic reports reaching the effice from him. Besides, Dr. Higner would have been unsuited for intelligence survice, inview of his nature. Fin immunerable journage abroad placed him in the public line-light in such a way that any obtainty from the amformation service would inevalably have been noticed at once."

This door and will receive Exhibit No. 71.

Ilgner Document No. 68 is offered on the same subject. It is an affidavit of Freiherr von hilmowsky and will receive Exhibit No. 72,

In the next Ilgner document 59, Freeulein Wera Schwarte, the secretary of the Chief of the Foreign Intelligence Department of the OKW, Admiral Cameris, confirms that Farbon's and especially Ilgner's connections with this Admiral Cameris are not known to her. This document will receive Exhibit No. 73.

In connection with the same subject, I shall now offer Higner Document No. 70. This is an efficient of the former secretary of Dr. Higner, Franchein Lotte Document. This document will receive Exhibit No. 74.

The next document, Ilgner No. 1, is a very interesting affidavit of Freiherr von Lorsner, the President of the German Paace Delagation to Vorsailles, that is, after the First World War. I have already submitted this document to the Tribural as Ilgner No. 1. The affiant was in Turkey during this last war and states that there was no espionage activity nor work for OKW Abmehr., that he never received any tasks, nor did he execute any work in connection with any espionage activity for the ONV. Beyond that, he states that on the part of Farbon, and especially through Goheinret Bosch, every a seistance was given him in order to bring about a rapid peace. I should like to quote a sentence from that document. I quote: "Any espionage activity or work for OW Abwell would have been diamotrically opposed to my peace efforts, would even have precluded them from the outset." I should like to draw the Tribunel's attention to the following fact: In order to characterize Freiherr von Lersner's person, Baron von Lersner quotes the wording of a letter from Geroge H. Earle, dated the 13th of December 1946, in which the letter confirms that President Roosevelt spoke in the highest terms of the afficits intogrity in 19kk. I should like to assign Exhibit No. 1 to this document. It is, however, already in evidence.

MR. AMCHAN: If your Honors please, after Counsel offered Exhibits 71, 72, 73, and 74, which all relate to Ilgner's activities with Major

Bloch and Colonel Pickenbrock, it prompts me to request your Honors to reconsider your ruling of yesterday when we had the witness Frank-Fahle on the witness stand and the three questions asked him where his connections with Major Block and Colonel Pickenbrock lies. In the light of these affidavits on that subject matter, we submit that these questions were relevant and we respectfully ask your Henors to reconsider your ruling.

THE PRESIDENT: You mean the questions that were asked the witness Frank-Fahle?

iR. AICHAN: That is right. On the ground we stated to your Honors at the time that I did not ask those questions for the purpose of the aredibility of the witness. We withdraw that. I am stating that the subject matter which the witness Frank-Fahla testified in general dealt with the counter-intelligence of the Absolut and those questions were relevant on that point aid it becomes more apparent especially when the nature of his defense is as is apparent by these Exhibits as to Ilgner and his NW-7 relation to Unjor Block and Colonel Piskenbrock.

THE FRESHENT: Now, Counsel, I can dispose of that pretty quickly. If you claim that these documents would justify the examination of yester-day, you are in a rather inconsistent position. We didn't have those documents in evidence yesterday and the question of whether or not with those documents some further inquiry is justified of the witness Frank-Fahle, is a different matter, but we certainly cannot reconsider a ruling made justified in the light of the contingency that by virtue of this evidence, those objections would be everywhere.

IR. AMCHAN: No, that is not the purpose of our request for reconsideration. I think we were misunderstood, which we frankly concede
was our fault, when we stated that we offered the question as to the cradibility of the witness. We offered that as being relevent to the subject
matter to which he was testifying and I did not have sufficient opportunity
it occurs to us, to argue that point, it didn't seem important them; since
the defendant and the witness were testifying on that subject matter and

and the defendant's case not being closed and having further documentary evidence on that subject matter we will respectfully call to your
Honors' attention and suggest that in the light of this and the witness!
testimony, we are not overlocking the witness! testimony on the subject
matter, we think, and we ask your Honors respectfully to reconsider that
ruling and to hold that those questions on that subject matter were relevent to the testimony of the witness Frank-Fahle and the questions and
answers should be admitted in evidence.

DR. NATH: Your Honors, may I perhaps state my position very briefly? The Tribunal may remember that I at first objected because the direct examination of the witness did not leave the door open for the questions by the Pressecution, whether the witness was active with the OKT Counter-Intelligence or not. Thereupon, the Presecution stated that these were questions as to his credibility. When we later found out that these questions did not serve the purpose of attacking the credibility we embarked upon a new objection. The presecution stated again that those were not questions as to the credibility of the witness, because they didn't went to put any questions as to the credibility of their own witness who testified on their behalf too.

Secondly, in connection with the documents which I am submitting and which merely prove that my client, Dr. Ilgner, had nothing to do with the Abwehr tasks, it has nothing to do with the question of whether the witness during the war for some time as a captain was assigned to any Counter-Intelligence activity, so, therefore, we see no necessity to change the ruling of the Tribunal which was made yesterday on the subject,

THE FRESIDENT: On the record as it was yesterday, the Tribunal will not change its ruling. However, if it now appears that by reason of this testimony, the testimony of Frank-Fahle would be proper, you see y do one of two things. You can suggest to the Tribunal that the questions which were answered and stricken out should be reinstated as a part of the record, or you may recall Frank-Fahle, but perhaps it would be more orderly to wait a bit and to see what this evidence is and then

the procedution can determine for itself whether it wishes to stand on the questions that were stricken out and which might perhaps now be in the light of this testimony of whether you wish to have Frenk-Fahle recalled as a witness. You can determine that, Ir. Prosecutor, and call it up later, if you wish.

IR. ANCHAN: If I understood your Honors correctly, one of the moans open to us is to move now to have those questions and answers reinstated in the record, if I understood your Honor correctly.

THE PRESIDENT: That is what I have suggested as a possibility
I think, however, that you had better not make that motion now for the
reason that a motion of that kind should refer to the page of the transpript and the date, so it is clearly identified and is before the Tribunal. Now, when you got the transcript and you wish to make that motion, and you can identify the page of the transcript and the day it ocpurred, the Tribunal will consider it at that time.

IR . ALCHAN: Thunk you.

. THE FRESIDENT: You may to chead.

DR. TAME: I shall now, Your Honors, turn to Higner Document No. 14, which is already in evidence before the Tribunal and which has already been assigned Exhibit No. 14. However, I am again introducing it in connection with the subject we are dealing with at the present. This is an affidavit of the former Acich Chancellor, Franz von Papen. In this connection, Your Honors, I draw your attention to the paragraphs of the document which concern are you Lorence and a certain Marr Max Unz, both of whom were for anny years active in Turkey. This document has already been given Exhibit No. 14.

The following document, Ilgner Fo. 18, is an efficient of the retired imbassedor Errl Sitter. That too, is already in evidence and has been assigned Exhibit Fo. 18. I refer you to the statement by the affirst under paragraph 3, which deal with the person and activity of hir. you Fluegge.

The next document will be Ilgner Po. 71. The efficient Guenther
Schiller was Dr. Ilgner's assistant and he states his mosition on Presocution
Exhibit 915, the efficient of Dr. Diels. I should like to briefly quote
one sentence from this document, from page 91, which may be characteristic
in view of the Presecution's assertion that my client was active as a soy.
I quote: "Dr. Ilgner's whole nature was exposed to any kind of secretiveness;
on the contrary, he loved to do exempthing in conjunction with as large
a circle as possible." This document will receive Exhibit No. 75.

Would you be good enough to turn to the next page of the index. The next three documents deal with the AO. Foreign Organization of the Mational Socialist Party. At first I shall offer Ilgner Document No. 72.

The affirst Dr. Erich Mueller, who from 1934 until 1945 was an associate and a deputy head of the WIPO, the political economy department, comments upon the alleged relations between Firbon, Dr. Ilgner and the foreign organization of the HEDAP. I should like to quote from this document book, from page 96. "I further note state from my own knowledge of all those matters that there can be no mention of any versional connection or ties of Dr. Ilgner with the Foreign Organizations of the MEDAP or with any individuals

123

0 0 0

20.29

2 3 30

0. 1375

1 2 4

- 1.

heads of the foreign organizations of the NSDAP. His contact with the AO was exclusively of a sporadic nature and were notiveted by business only."

This document will be given Exhibit No. 76.

Degenization of the MSDAP to Farben, dated the 27th of January 1937. In this letter the foreign organization criticizes clearly Farben's attitude with respect to the question of the employment of Jews abroad. This document will be assigned Exhibit Mo. 77.

Will you now turn to the next page where you will find Higher Document No. 152. This is an answer by the Contral Pinance Department of Ferben to the AO of the MSDAP, foreign organization of the MSDAP, dated the 19th of February 1937. In this letter it is stated explicitly why Ferben had to employ the Jowish gentlemen abroad in spite of the attacks by the foreign organization of the MSDAP. The merits and the professional knowledge of those gentlemen is being emphasized. This document will receive Exhibit No. 78.

The lest three documents of this book, your Menor, deel with the charge of the Prosecution in connection with the giving up of foreign exchange on the part of the Farben to official representatives abroad. As the first document in this connection I shall submit Ilgner Document No. 73, which is an affidavit of Dr. Custay Schlotterer, the former head of the Foreign Trade Division of the Feich Ministry of Economics. The afficult confirms that Farben had been ordered to give up foreign exchange to representatives abroad on the basis of the existing foreign exchange regulations. This document will be assigned Exhibit No. 79.

I shall now turn to the next document, Ilgner Document No. 74, which is an affidevit of the Fremunist Villi Holfert of the Central Finance Department of Farben NN-7. The witness confirms that Parben did not know the purpose of the foreign currency which were put at the disposal of the German representatives abroad on the orders from the Reich Ministry of Economics. This document will be assigned Exhibit No. 80.

The last document of this book, your Henor, will be Ilgner Document
No. 75. It is an affidavit of Carl Gettfried Gadew, the business manager
of the dyestuffs sales agency of Parbon in Shanghai. The witness refutes
the document of the Prosecution Exhibit 823. In this Prosecution document
assertions and assumptions are made. In order to demonstrate to the
Tribunal how those assumptions are to be evaluated. I have taken the
trouble to introduce this document to the Tribunal in order to refute
such statements by the Prosecution. This document will receive Exhibit No.
21.

This brings me to the end of Higher Document Book IV. We shall now turn to Higner Document Book No. V. The first mine decuments, your Honors, dorl with the various events on the occasion of the Kiel Week, in 1934, 1938, 1938, 1939. At first I shell doel with Higher Document No. 76. This is an affidavit of Walter Gladisch. The affirst remorts on the meeting on the occasion of the Miel Wook in 1934, and he talls of the clash which Dr. Ilgner and he himself, the affirst had with the Beich Sport Leader von Tachannor-Osten. In this connection let me quote from page 2 of my document book; these are the last lines. "Both Dr. Henor and I availed oursalves of this emportunity of emposing ir. von Tachamar-Oston most strongly, and we brought this to his knowledge that the ourpose of the mosting, from our point of view, was in no way to serve Entional Socialist propaganda, but rather that it was to bring about an acquaintance along personalities on a human, cultural field, and that it was to contribute to en understanding among nations." I should like to quote the last paregraph of this document on page 3, and I emote: "To sum up my impression of Dr. Max Ilgner's character, I can say that he is a men who was whole-heartedly devoted to intermational understanding, and thus was strongly biased egainst war. This document will receive Exhibit Jo. 82.

The next document, your Honor, will be Ilgner Document No. 77, which is an effidevit of the president of the German Group of the International Chamber of Commerce, Nr. Karl Lindemann. He speaks on the Kiel Yeak occasion of 1938. This document will be assigned Exhibit No. 83.

23 Merch-M-JP-5-4-Sampson (Int. Rauler) Court VI Case VI

41

Ilgner Document No. 78 is an affidavit of the French industrialist.

Dr. Leon Venger, Compandeur de la Legion d'Honneur, This witness attended the Hiel Meck events in 1938 and 1939. He confirms that Br. Ilgner never desired a Garman domination in Europe but on the contrary has always tried to bring about European cooperation. The witness pointed out that this fact was confirmed by Franchmen, Dutchmen, Englishmen and Belgians at any time. This document, Your Honors, will be assigned Exhibit No. 84,

If you will now be good enough to turn to the next page of my index,
you will find Document No. 153, which is an affidevit of the Frenchman
... Jacques Raindro, Paris, Chevalier de la Legion d'Honneur, He also attended
the Kiel Week events of 1938 and 1939. The document really speaks for
itself. In particular the affiant points out that Dr. Ilgner even after
the document will be assigned Exhibit No. 85.

Ilgner Document No. 79 is enother affidevit of Thile Freiherr von Wilmowsky. This document, too, speaks for itself, and it will be assigned Exhibit No. 86.

The following document is elready in evidence before the Tribunal as Ilgner Document 13; it has elready received Exhibit No. 13. It is an efficient of the Reich Minister of Economics and Reichs Bank President, retired, Hjalmar Schacht. I draw your attention to the subject of the Kiel Week events which is referred to in the third paragraph of the affidavit.

The next document will be Ilgner Document No. 80, and is an affidavit of Dr. Hermann Buscher. He attended the Kiel Week events in 1938. He emphasizes that Dr. Ilgner always underwored to bring about international cooperation. This document will be assigned Exhibit No. 87.

This brings me to the next pego of my index; Ilgner Document No. 81 is an excerpt from the eddress of the Director of the Institute for World Economy, Professor Dr. A. Predochl, delivered at the meeting of the Kiel Week of 1938. This document will receive Exhibit No. 88.

The next decument, Your Honors, is Ilgner Decument No. 120. This is an excerpt from the report on the Kiel Week events of 1939. The assertion by the Prosecution, who only have submitted other excerpts from this report, is not correct because the Prosecution has only submitted parts of excerpts from the report on the beginning of the Kiel Week. This document will receive Exhibit 89.

I shall now turn to a new subject, referring to economy leaders

Circle "F" and the next three documents deal with that subject. First,

we have Ilgner Document No. 82. This is an efficient of Dr. Ruperty,

board member of the Allienz Versicherungs A. G. The efficient himself was

a member of this Circle "F", economy leaders organized by the Ministry

of Propaganda at the time. He lists the members of that circle and re
ports on the criticism which was exercised by members of that Circle,

in particular Dr. Ilgner to the Minister of Propaganda, Dr. Goebbels.

This document will receive Exhibit No. 90.

31.0

1

I shall now turn to Ilgner Document No. 83. This is an effidevit of Mario Passarge, head of the Information Office, Berlin N%-7, who discusses the reasons why Dr. Ilgner attended the so-called "F" Circle. I quote from page 29 — I beg your pardon, I don't think I shall quote. It will not be necessary. This document will be given Exhibit No. 91.

Now, we have Exhibit No. 84, that is the last document in connection with that subject, Economic Leader's Circle, and is another affidavit of Thile Preiherrn won Wilmowsky. This document characterizes the members of the "F" Circle and that is done on the basis of the affirmt's personal knowledge. From page 34 of my document book, I shall briefly like to quote one sontence: "That a small circle who had such persons amongst it was not a Nazi circle is quite evident." This document will receive Exhibit No. 92.

The last six documents of this document book, Your Honors, deal with the Carl Schurz essociation. The first document of this series will be Ilgner Document 85; this is an affidavit of Mr. Emil de Hass. He was the business head of the Carl Schurz Association. I drew your perticular attention to that document. Mr. de Hass describes in a very interesting way and at great length what the activities and the tactics of the Carl Schurz Association were, which devoted its work to an understanding between Germany and the United States and had nothing whatsoever to do with National Socialist propagands. This document will be assigned Exhibit No. 93.

And if now Your Honors will be good enough to turn to the next page of the index, you will find there Document No. 86. This again is an efficient of Emil de Hees. In this affidavit the efficient confirms the correctness of a letter addressed to the efficient by Prof. Kerl F.

Schreiber, Head of the Department of Gormanic Languages of Yale University, New Haven, Conn., dated the 16th of March, 1947. From this letter of an American university professor, it becomes apparent that the film made in Germany on the occasion of the tour of the Carl Schurz Association in 1934 through Gormany, was again shown in the United

States now, in 1947. I should like to mention that in order to prove that there can be no mention of any National Socialist propaganda. This document, Your Honora, will be assigned Exhibit No. 94.

As Ilgner Bocument No. 87, I am submitting an affidevit of Mr. Heinrich Rochell. Mr. Rochell for many years held a scholarship granted by the German-American Scientific Exchange service for many years. Furthermore, he was a scientific assistant at American universities, and for many years was an economic expert attached to the imerican consulate in Berlin. Furthermore, he was a member of the Carl Schurz Association and attended its functions. The witness confirms that politics and propaganda was far from all functions arranged by the Carl Schurz Association. I should like to quote the last sentence of this document, to be found on page 60: "Dr. Ilgner was rightly considered one of the strongest opponents of chauvinism and National Socialism". This document will be assigned Exhibit No. 95.

The next document will be Ilgner Document 88, which is an efficient of Mario Pessargo; he confirms the sims of the Carl Schurz Association as they were presented by the Defense and he states that the American Ambassador repeatedly mentioned in his speeches, and I quote: "That he considered the function of an association such as the Carl Schurz Association of particular importance to the relations between the two countries." I should like to draw the attention of the Tribunal that this concerns the American Ambassador Dodd; we discussed that before. This document will be given Exhibit No. 96.

I shall now turn to Ilgner Document 89; it is an effidevit of the former Secretary of the Carl Schurz Association, Lotte Daehne, who confirms that Dr. Ilgner refused to incorporate the provisions excluding non-Aryans in the by-laws of the Carl Schurz Association. This document will receive the Exhibit No. 97.

The last document in the book is Ilgner Document No. 121, an affidavit of Dr. Abert Dagener. The witness says that the Garl Schurz Association never was an espionage organization. Based upon his activity 41,52

115

7. 1

-- 1411

in New York, he is in a position to confirm that the Association Carl Schurz at no time carried out any propagands activities in the United States. In this affidavit he mentions Mr. von Bismarck who also had nothing at all to do with espionage. This document will be assigned Exhibit No. 98.

This brings me to the end of Ilgner Document Book V.

THE PRESIDENT: We will take our recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in asssion.

DR. MUENZE (Dafense Counsel for the defendant Mann):
Your Honor, may I ask that the defendant Mann be excused from the
session this afternoon and the entire day tomorrow in order to prepers his defines?

THE PRESIDENT: That request is now granted.

DR. MATH (Defense Counsel for defendant Ilgner): Your Honor, may I continue, planse?

I ask that the Tribunal please take up my next document book 6. All documents contained in this book treat the question of the promotion of apports. I think that in this document book there is a good and interesting survey about this matter.

as Ilgner Document #90 I offer an offidavit of Dr. Gustev Schletterer, Chief of the Expert Department of the Reich Ministry of Economics, about the nature and importance of the promotion of sop or. The affient points out with emphasis that the entire Gargan export was under the control and direction of the Reich Ministry of Econ mics. He confirms that the Ministry repectedly asked the German se mony to submit proposals for an increase of exports in its own interests. Many official circles in Germany, especially Goaring, a maidered the expert as superfluous and in the counter arguments on the part of sconomists it was pointed out that the export was nickssary within the Four Year Plan. May I briefly quote one sentence on page 4 from this document. This is the last sentence of the first paragraph. I quote: "If these arguments had not been used, sxp rts would have shrunk more and more due to Goering's uttitude who, as Planipotantiary of the Four Year Plan, had dictatorial powers." The afficant further confirms that the predominent mass of German import goods did not consist of raw materials important for armament. At the end of the document, the affiant comes to the conclusion, and on page 6 of the book where I would like to quote another sentence: "The promotion of German export therefore was in no way a

military strift and securing the peace." I would like to give Exhibit #55 to this document.

On the next page of the index I offer Higher Document #91. This is an affidavit of Karl Blassing, furner assistant to School in the Reich Ministry of Economics. The witness confirms that the promotion of Germin export measures had become necessary in order to astablish a belance for the devaluation of foreign exchange maniy. On page 9 of my document back I would like to quote the finel paragraph. The affiant states: "I want to make it quite clear that the plan for the establishment of a fund for the promotion 'nf skowt by industry did not originate with I. G. or other circles of private ant ryrise, but was evolved in the Raich Ministry of Economics and that it was a compulsory measure resulting from the position f Somen foreign triba at that time. Private enterprise, porticularly I.G., str ngly opposed this plan at first as it constituted on extremely high finencial burden. The possible assumption that private enterprise as such was interested in these measures is arrenaus. They war a related by the state authorities." I am giving Exhibit #100 to this doars at.

Next is Tigner Document 92, on extract from the minutes of the wrking Committee held on 21 June 1935. I ffor this as Ex-

1

The next deciment is also an extract from the minutes of a session of the working Committee held on 3 September 1935.

This is Ilgner Document 93 and it can be seen from this document and from the membershed before that the questions connected with the export lawy were discussed in the Working Committee. I offer this document as Exhibit 102.

Ilgner D cument 94 is a circular letter by the Economic Group Chemical Industry of 16 June 1935 to the firms of the chemical industry with an rear attached concerning the export levy introduced

9552

at the time. This document receives Exhibit #103.

On the next page I offer Ilgner Document #95. This is an affidavit by the Chief of the Department of Farben for the promotion of exports Berlin M. 7, Mr. Welter Diblmann. He reports in detail about the many measures taken by the export promotion department of Farben in order to promote and maintain the Farben export. The efficient comments on the memorandum about promotion of export made by Dr. Ilgn. and he gives an analysis of it. This analysis repudiates the claims of the prosecution. I give this document Exhibit #104.

Now I one: to Ilgner Document 96. This is an internal letter of Forben Berlin No 7 of 8 November 1940 on export reinbursements. The inclosure attached to this letter, to which I refer expecially, shows to what a great degree Ferben succeeded because of its efforts to receive export reinbursements from the official fund, but that, despite all these great efforts, Ferben still had to pay twenty-one million Reichsmarks a year. This document becomes Exhibit 106.

Now, there are four documents which show that Parban was requested by official agencies to make suggestions about raising the farban exports.

As Ilgner Document 97 I offer a file note of the Directornte of the Department Dyes of Forben, Frankfurt/Main, of 4 August 1937. Your Honors, in the index, it says 1934. Perhaps I may request that this error be corrected. It should read 1937. This is a file note which I just mentioned and I offer it as Exhibit 106. This brings me to the next page of the index and to Ilgner Document 96. This is a letter from the export promotion department of Ferben Berlin NV-7 to the Directorate in Frankfurt dated 7 August 1937. This is a document about the same subject matter and I offer it as Exhibit 107.

Document Ilgner Number 99 is an except from the minutes of a meeting of the commercial committee held on 20 august 1937 and it was offered by the prosecution as Exhibit 362. In order to clarify things I offer it as Exhibit 108.

Now we come to Ilgner Document 155. This too is an excerpt from the minutes of the meeting of the commercial committee. It also has air only been offered by the prosecution as Exhibit 593, and in my document book it becomes Exhibit 109.

The next document is another effidevit of Mr. Welter Diblemon who comments on Prospection Exhibit 766. I offer it as Exhibit 116.

Pirtner of 25 Merch 1939 about the foreign methods of export pronotion. This document shows, among other things, that certain measures for export promotion taken by France began in 1929 and that in England they began in 1930. This document becomes Exhibit 111.

This is an excerpt from the lecture held by Dr. Tigner on 25 January 1958 in Kiel on the subject, and I quote: "Increase of Export by Farticipation in the Industrialization of the World." In his statements Dr. Tigner approves of promoting the industrialization of those countries who are still only slightly industrialized and to increase the volume of world trade. This becomes Exhibit 1112. I would like to point out to the Tribural that in order to supplement this presentation of my document book I shall present a list of Farban's exports and turn-over and I shall hand in the figures for that.

This finishes Document Book 6 and I shall take up Book 7.

The first four documents treat Dr. Ilgner's trip to East asia from 1954 to 1935. Ilgner Document 106 is an affidavit of Dr. Wolfgang von Tirpits. He reports about the main principles of Dr. Ilgner's trip to the For East. He talks about the East Asia report which he helped to write. He empleasizes that Dr. Ilgner wanted to write the East Asia report as a kind of compendium of the For Eastern countries similar to the China Year Book. I offer this as Exhibit 113.

of Dr. Ilgner about his journey to the For East. The index listed here of the first volume shows that as far as this report is concerned it is something similar to an encyclopedia. The entire report consists of several volumes and I would like to draw the attention of the Tribunal to this index. The document is offered as Exhibit 114.

As Ilgner Document 105 I offer on effidavit of the retired Raich Minister Lammers who states that he personally caused Dr. Ilgner to give him a copy of his For Eastern report for Hitler. My client has said whatever is necessary to be said about this while he was on the stand. This document becomes Exhibit 115.

Turning to the next page of my index we come to the last document in this connection, Higher Document Number 109. This is an affidavit of the forest assistant to Dr. Higher, Mr. Guenther Schiller. The witness eccompanied Dr. Higher on his For Eastern trip. He confirms that the trip served purely sconomic purposes and had not the slightest to do with aspismage or propagands. This becomes Exhibit 116.

The following sight documents, Your Honors - I have an error to correct. The next document, Higher Document 110 still belongs to the subject just tranted. It is a lecture of Dr. Higher
to the German Netherland Association of 4 November 1938, which I
have reproduced in excerpts. The document speaks for itself. I
offer it as Exhibit 117.

The next eight documents concern the South American trip of Dr. Elgner. First of all I offer Elgner Document 111. This is an affidavit of the former German commercial attache in Maxico, Mr. Hens Burendt. The witness describes in detail the spirit and the purpose of Dr. Tigner's trip to South acerica, and he describes it in the way in which the witness himself experienced this trip. He says that foreign circles fully agreed with Dr. Ilgner on the ideas which he frankly presented. He emphasizes that Dr. Ilgner visited the emerican charge diaffaires as well as the representatives of the lings Andrican concerns in Mexico and that he discussed his ideas with these people. On page 19 of my document book I would like to brisily quote from the second perceraph of this document. "His intantions," -- maning Dr. Digner -- "of involving himself in complex international mag tintions prove that Dr. Ilgner could not even have thought of the possibility of war. Still less could be have engaged in depioners and the dissemination of propagands in preparation for an aggressive mer as alleged by the prosecution." This document becomes Exhibit 118.

In w come to Ilgner Drownent 59. I have already offered this document to the Tribunal. It received Exhibit 59. It is an affidavit f the I.G. Limison man Fischer in Mexico, and he comments on the trip by Dr. Ilgner mentioned here. Your Honors, I am told that I made a mistake. This is Ilgner Document 56, but it is Exhibit 59.

THE PRESIDENT: You mean Fixhibit 59. Document 56, Ex-

DR. MaTH: That is right. Now we come to Ilgner Document 112, an efficient of artur Schoene, who at the time of Dr. Ilgner's South emerican trip was president of the German Club in Bogota, Columbia. He reports with what amoning condidness Dr. Ilgner expounded his ideas but re foreign circles about world as nomics. This document becomes Exhibit 119.

II.

On the next page we come to Higner Document 113. This is

23 Mer LE-W-MB-9-L-Mills (Int. Les) Court No. VI, Cese No. VI.

another affidavit of Dr. Gustev Schlotterer who confirms that for his South American trip Dr. Ilgner did not receive any official orders and that no official orders were carried out by him. I offer this as Exhibit 120.

Document Digner Number 114 is an except from the minutes of the meeting of the working committee on 13 April 1937. I offer it as Exhibit 121.

els

Elgner Document 116 is an exchange of correspondence between Dr. Depart and various South American personalities which was carried on an the occasion of his South American trip. Furthermore there are lists in this document about a shipment of books to South American institutes. I offer this document to the Tribunal in order to show that the prosecution, has only selected from documents which are available, the informats of books to Party agencies. I think that the documents which I am submitting now will show that the book deliveries to the South American personalities and institutes either included no Masi literature at all or very little of it. That is why I introduce Document Sumber 116 as Exhibit 122.

The next Ilgier document 117 is such a list of a shipment of books sent to the Haria-Elena Works Library, Santiago de Chile on 14 Documber 1937. I offer this as Exhibit 123.

On the next page we have Higner Document 116, an affidavit of the departy departmental chief in the directorate department of Farben 186-7, a can by the name of Backermann. This is was concurred with the technical corrying out of these book ship unto to South American. He confirms that the book lists had to be submitted to the foreign organization for exceedination before the books were shipped and for this reason alone it was necessary to include a few MS books. He also confirms that these shipments of books were purely a good will action on the part of Farbon and that it had nothing to do with political protogonia. This document becomes Inhibit 126.

As the final document in this book I offer Ilgner Document 158, another efficient of the above mentioned Dr. Hackermann. The affiant comments in detail on Prosecution's Exhibit 807 which is a note about the conference in the Central Department "Joy and Work", and he confirms that all the suggestions of the Central Committee were never reclized as fat as Farban was conserned because Farban so much rejected this suggestion as much as was possible in the Third Reich.

23 March-17-18-10-2-1311s (Loc) Court 6, Caso 6

This document becomes Exhibit 125. And this concludes my document back 7.

I now/ come to Ilgnor Document Book 8. The first six documents of this book, Your Honors, treat the industrialization efforts of Dr. Ilgnor, especially in Southeast Europe.

As Ilgner Document 122 I offer an affidavit of the Director of the VOII, Dr. Reithinger, who describes the economic principles of Dr. Ilgner and who shows that those principles have, as their aim, a class international economic comporation. This document becomes Echibit 126.

In Victoria, Professor Doctor Hurmann Gross, who describes in detail the industrialisation offerts of my client in respect to the South-castern Duropean countries. He amplesizes that aspecially during the war Dr. Ilmer tried to achieve a honest coope ation with the South-castern European countries on an equal status. I would like to quote one short sentence on page 9 of the book. It is the last sentence of the first paragraph. "How, — meaning Dr. Ilmer — "for this reason rejected all efforts aiming at an accommute and military political over-pewering or spoliation of foreign countries."

Perdon in, I have forgotton to give an exhibit number to this decument. It receives the Exhibit Number 127.

Turning to the next page of the index we come to Ilgner Document

17 which has already been accepted as Excibit 17 by the Tribunal, and
which is submitted by me —

THE PRESIDENT: Counsel, I think you misstated the exhibit number.
Is it not your Edubit 17? We got the translation 117.

DR. HAFR: 17 -- yes. This is an affidevit of Freiherr von Wilmowsky. This affiant also speaks about Dr. Ilgner's attitude towards the Southeastern European countries. He says that because of his activities Dr. Ilgner had difficulties with the Party agencies. On page

If of my decement book I would like to quote the second sentence of the second paragraph. "His good relations to leading economists abroad without regard to their origin or their political opinions were held against him. He was repreached with the fact that only the Southeastern people were benefiting from his work — not Germany. Above all, his plans for the elimination of debts were rejected as unworthy."

Now we come to the next Higher Document 12h, an affidavit of the former section shief in the Reich Himistry of Economics, Dr. Reinhart, the knew Dr. Higher for many years from his activity in connection with the Southeast European countries. One sentence from this document on page 15 — this is the last sentence: "In any case wherever I gained any insight into it in word and in deed he did the exact opposite to a plundering and emploiting policy." I affer this document as Exhibit 123.

Now I cam to Higher Document 125. This is an affidavit of Dr. Gustav Schletterer from the Reich Ministry of Geometics and I offer it as Exhibit 129. The document speaks for itself.

on the next page is Document Higher 126. This is an affidavit of the former member of the Bulgarian Board of Trade and former chief of the Bulgarian Board of Directors for Foreign Trade, Mr. Zonew, who now lives in Geneva. I quote from page 20 of my document book, second paragraph towards the end. The Bulgarian says: "Dr. Higher belonged to those Genesis whose attitude was definitely cosmopolitan, who definitely advicated Triendly relations between Germany and the rest of the world. I had the impression that he considered the war as an ebsolute tragedy."

On page 22, Your Honors, at the end of the document, I would like to emphasize and I quote: "In the middle of the war Dr. Ilgner tried to adopt peaceful methods in his work in the economic sphere. He always advocated the economic cooperation of all peoples and on many occasions he openly expressed his exasperation at the obstacles he encount-

ored owing to the official policy of the Third Reich." This document is offered as Exhibit 130.

Furning to Ilgner Document 127 this is an affidavit of the president of the Central European Economic Conference, Freiherr von Wilmowsky. In describes the origin, the history, the activity of the ENT whose vice-president was Dr. Ilgner. And he describes the attitude of Dr. Ilgner and the MIT, briefly, and I quote on page 26 of my document book at the bottom. "This principle may be described briefly as follows. Voluntary, equitable acoperation on a long term basis under the vierpoint 'do ut des'. Above all on a ricultural and mining question, and a firm rejection of all political and imperialist ulterior motives of any kind. The MIT's and Dr. Ilgner's Southeast economic policy was anything else but exploitation and enslavement of other countries." This document is a Tered as Exhibit 131.

On the next page I offer Ilgner Recument 128, another affidavit of Freiherr von Filmowsky, on the so-called Southerst donation of Farban. The affiant comments on the Prosecution Exhibit 518. The affiant says employ the looked for any political or propagandistic ulterior motives would be very much disappointed. This document is offered as Exhibit 132.

Turning to the next page, we come to Ilgner Document 156 which has been offered as Prosecution Exhibit 818. This is an excerpt from the minutes of the Commercial Committee and concerns itself with the scholarships of the Control European Economic Conference for the training of young business man. I am giving it exhibit number 133.

The next Ilener document is 129 and contains an excerpt from Dr.

Ilener's lecture in Vienna before the Control European Recommic

Conference on 2 September 1910. I think the document speaks for itself.

I offer it asExhibit 13h.

Now we come to Ilyner Document 15h, an affidavit of Dr. Schacht's collaborator, Mr. Karl Blessing, who describes the tasks and importance of the so-called working Group for Poreign Economy. This becomes Exhibit 135.

Turning to the next page of the index, we come to Ilgner Document 130. This is an excerpt from the report, "Southenstern Europe," a political and economic survey propared by the Information Department of the Royal Institute of International Affairs in collaboration with the London and Combridge Economic Service, London 1939.

I would like to call the Tribunal's attention to this very interesting document in which the English critically analyzes the German occnomic activity in Southeastern Europe. This document is offered as Exhibit 136.

Elgner Document 131 and the last three documents of this book, that treat a new subject - nemely, Mr. Mewbacher who, as the Tribunal will recall, became sayor of Vienna afterthe annexation, to the surprise

of Farban. The affiant, Freiher von Wilmowsky, at whose recommendation Ifr. Meubacher was hired at Farban Berlin NW/7, discusses this subject and from page 19 I would like to quote briefly. That is the last sentence of the second paragraph. I quote:

"There was no question of any political ulterior motives or else I would have absolutely refused to recommend him."

This concerns the attitude of Mr. Nowbacher. This document becomes Exhibit 137.

Coming now to Ilgner Document 132, this is an affidavit of Wilhelm von Fluegge who comments on Prosocution Exhibit 900. I offer it as Exhibit 130.

And on the last pege of the index we have Ilgner Document 133, a letter of the Auslandsorganization, the foreign organization of the ISDAF to Ferben of 26 April 1937. An enclosure is attached to this letter which shows clearly the negative attitude of the foreign organization towards it. Neubacher. This document becomes Exhibit 139.

This concludes Decument Book VIII for ligner and I turn to Book
No. IX. Your Hener, the first 23 documents in this book concern themselves with Austria and particularly the question about the SkodeWetsler Works. I have taken it upon myself, in agreement with my legal
colleagues, to give a closed presentation of the available documents. Of
course, my colleagues are still entitled to submit their own supplementary material in their own document books but, for the sake of a
better survey of this question, I attempted to be as complete as possible;
but we reserve the right to submit additions.

As Ilgner Document 13h I offer an affidavit of Mr. Quenther Schiller who was a mamber of the Verweltun stat of the Amiliachemia, Vienna, from 1936 to 1938. The witness states that in 1936 the Warben office in Berlin NI/7 sent him to Vienna in order to support Mr. Noth in his position in the Amiliachemia. He says that, despite many objections by official agencies, Farbon managed to keep its Jewish

23 March 48-M-ATD-11-3-Frimeau (Int. Lea)
Court 6, Case 6

representatives in Austria and the Belkans until March 1938. This class was the cause that Mational Socialist commissars were appointed in all firms close to Farben in Austria. The witness emphasizes that the idea of acquisition of shares of the Skoda-Wetsler Works dates back before 1936 and Parben was approached about it teen and that the relationship of the Farben gentlemen to Mr. Pollak who was the General Director of the Skoda-Wetsler orks was very friendly. I quote in this connection from page 3 of my document book. The witness says, and I quote:

"Fr. Follack amphasized to me reputtedly that he wanted to hand over his inheritance" - meaning the Skeda-Wetzler Works - "to Farben."

The difficulties in the negotiations between Farben and the credit tratals shortly before the Anschluss of Austria, according to the witness came about owing to the fact that the Austrian government at that time objected to the increasing influence of German capital in Austrian firms. As far asthis important question is concerned as to who after the Anschluss took the indicative, I quote the final paragraph of the affidavit on page h of my document book. I quote:

"Immediately after the Anschluss Herr General Director Pollack
phoned me and asked me to take ever his position as manager of the
Skede-Wetalar Torks, according to our negotiations during the last
year. With the consent of the responsible men of J.G. Parben I fulfilled his wishes after first, on instruction of J.G. Ferben, having
estained the consent of Herr General Director Johan of the Greditanstalt
Vienna."

This document is offered as Exhibit 140.

I turn now to Ilgner 135 Document No. on the next page. This is an affidavit of Walter Rafelsberger who, after the Anschluss became State Commissar in the Austrian private enterprise. The affiant confirmed from his own knowledge that the difficulties which the Creditenstalt Vienna may have had after the Anschluss could only have been of a temporary nature but, at any rate, they remained without any consequences for the enterprise and, in view of the General Director of the Creditenstalt, Johan, the witness, states the following on page 7 of my book, second paragraph. I quoter

"Although Herr Johns was no longer General Director of the Creditenstalt after the Ansahluss, he remained a Verstand number with equal rights until 1945." Then I quote the sentence after the next one:

"Within the Vorstand Horr John elways hold an independent position in the Vorstand commensurate with his special abilities as a businessman."

And I would like to quote the namt paragraph, too:

"Although Horr Johans was again and again attacked by circles of the Creditenstalt's employees," that is, of his own firm, "and by the SD, these attacks were not injurious to his person or to his position because I shielded him against them."

Your Honors, Mr. Johns claimed, as the Tribumal will-recall, in his affidavit that the Crediterstalt, in respect to the purchase price of the shares of the Skode-Vetaler Morks, fult that it was at a disadvantage, and I quote, still from the same affidavit, on page 9 this time, last paragraph:

"A disadventage for the Creditanstalt in the purchase price must have finally appeared in the balance accounts somehow; besides the Verstand would have unquestionably given air to its complaints to me during my later activity in the Creditanstalt's Aufsichtsrat, which did not happen."

This document is offered as Exhibit 114.

Four Monors, we now come to Gattineau Decument No. 1 which is taken from the document book of Dr. Cattineau and which has been taken into my document book and which is another afficient of Mr. Rafelsberger. In this document the affiant discusses in dotail the various contentions of Mr. Johan. He points out that in the book ming of 1936, with the consent of the Creditanstalt on the basis of the negotiations conducted between Farben and Skeda-Wetaler Works an examination of the accounts was carried out in the Skeda-Wetaler Works an examination of the accounts negotiations a second such examination took place on March 1938 in which, as in the year 1936, the accessory explanations were made by Mr. Pollack.

Your Monors, my colleague tells so that by mistake I already desoribed the next decement, Cattineau No. Z. In order to simplify matters, I shall give this Cattineau document the exhibit number 1h3. Then I think this would make matters simple. In other words, Cattineau Document No. 2 becames Exhibit 1h3 and Cattineau Document No. 1, if the Tribunal will be kind enough to look back in the index, is an affidavit of Mr. Rafelsberger. . No comments on Presecution Exhibit 1,067 and also about the question of whether any pressure was exerted on the Creditanstalt.

On page 11 under No. 3, he says the following. The affiant quotes, first of all, a rounck of Nr. Johan which the latter made in his affi-davit, according to which Nr. Johan said that after almost ten years he could no longer rouall any details of any pressure. The affiant of my document — that is, Nr. Rafelsberger — then continues. I quote:

"In view of the importance of the Skeda-Wetzler shares, stressed by Joham, he would certainly be able to recall after 10 years if any pressure had been exerted. Thus he was able to remember facts pertaining to the case of the 'Continental Shipping.' I do not remember anything to that affect either. Neither did I hear any complaints of this, on the other hand, complaints from Johan because participations were ceded to the Reicharpris."

I may say here that the Reichsworks Harmann Coering is meant. I continue my quotation:

"It is possible that the Neichsmorks, Goering exerted pressure but cestainly not the I.G. Parben. This was not regarded as a National Socialist enterprise. Neither was any such pressure exerted by me as former State Consister in private industry."

On the next page, 12, of the document, under No. 4, I would like to quote briefly:

where of the Verstand in which Dr. Johan also took part. That would have been completely impossible owing to the organization of the Creditanstalt. Dr. Ffeiffer never held any strong position in the Verstand; he was considered to be a very unisportant person who had got into the Verstand at the wish of the factory staff."

This document, Cattineau No. 1, receives the exhibit number 142.

On the next page I have already offered Gattineau Document No. 2.

That is the exhibit number 143 and I new come to Ilgner Document 136.

This is an affidavit of Ernst Mackhofer from Austria who was formerly a member of the Vorstand of the Donau-Chemic A. G. Vienna. This witness concerns himself with the expansion of the Donau-Chemic which came about by the combination of the Skeda-Wetzler Works in the carbide works, Deutsch Matroi. Me emphasizes that it was a matter of course for Dr. Ilgner that the Donau-Chemic, first of all, had to serve Austrian requirements. I offer this document as Exhibit 154.

Turning to Ilgner Document 137, the next series of documents shows since what time and to what extent negotiations took place about Skoda-Wetsler. Ilgner Document 137 is a letter of the former Vorstand member of Furben Bitterfeld, Dr. Pistor, to Farben in Ludwigshafen, dated Hovember 11, 1927. This letter shows that Mr. Pollack, as early as the year 1927, visited the Farben people in order to recommend exten-

sive support for Skoda-Wetzler on the part of Farben. This becomes Exhibit 115.

The next document is Ilgner Document 138. This is a report of the same Dr. Pister of 26 November 1927 about the inspection carried out by him at the time of the Moosbierbaum plant of the Skoda-Wetzler Works. This becomes Exhibit 146.

Turning to the next page of the index, I come to Ilgner Document 139. This is a report about the inspection of the Moosbierbaum plant by Dr. Muchner Leverkusen of 29 November 1927. Dr. Kuehner carried out the inspection together with Dr. Pister. I offer this as Exhibit 147.

The next document, Ilgner 140, is a letter from Farben of 12 December 1935 to Mr. Weber-Andreae and Mr. Hnefliger about the SkodaWetzler Works. This letter shows that the Committee for groups Aussig
and Solvay tried to gain an influence over the Skoda-Wetzler Works but
were not successful. The document becomes Exhibit 148.

As Ilgner Document 161, I offer as a file memo of Farben Berlin
NW/7 dated 10 January 1936 concerning a conference about Skoda-Wetzler
in which the Kommorsialrat Roth, the I. G. limison men for the Southeastern European countries in Vienna participated. The following was
decided upon and I quote from page 39, up at the top, first paragraph:

"Kommerzialrat Roth shall be authorized, in close cooperation and conjointly with Concraldirector Phillip, to make an offer of the Austrian Creditanstalt of 3 million Reichsmark for 86% of the stock under the condition that our representatives shall have the right to audit the balance sheets and to inspect the various plants."

This document becomes Exhibit 149.

This brings as to Exhibit 142. It concerns a letter from Mr. Hasfliger of 30 January 1936 to Dr. Kuehne and Dr. Pistor. Mr. Hasfliger refers to the discussions mentioned in the document offered by me, suggesting another inspection of the Skoda-/etzlar plant. In connection with continued existance of the Graditanstalt Ar. Hasfliger states in the letter:

I quote from page 40: It refers to the Austrian Graditanstalt and I quote: "Which had the intention to sell occasionally because plants like Skoda-Wetzlar did not quite fit into their plan."

How very much the Creditanstalt was interested in the selling of the shares can be gathered from the following quote on page 141 of my document book. This is the next to the last paragraph, and I quote from the document dated 20 January, 1936: "Our intention to get an option for two years, could not be carried out, unfortunately, because the Austrian Creditanstalt urgss and pressed for a very quick decision."

This document becomes Exhibit 150.

Ilgner Document 143. This is a letter from Dr. Pistor of 10 February, 1936, to Mr. Haefliger, which welcomes the inspection of the Skoda-wetzlar works, and that this inspection was then carried out can be gathered from the following documents. First of all, I would like to offer Document Ilgner 143, as Embibit 151. Ilgner Document 144 is a letter from Dr. Kuehne, dated 6 March, 1936, to Mr. Pollak. This becomes Txhibit 152.

The ment document, Ilgner Document 145, is an answer from Mr. Pollak of the Skoda-Wetzlar works to Mr. Kuehne, of 9 March, 1936. This becomes Exhibit 153.

The next document, Ilgner # 146, is a report of

Dr. Kuchne, dated 13 March, 1936, on the inspection parried out by Dr. Kuchne of the Skoda-Wetzlar Works. This document becomes Exhibit 154. The last three documents speak for themselves.

I now come to Ilgner Document 147. This is the latter which was already mentioned in the direct examination of my client. It was written by the then director of the Anihilin-chamic in Vienna, Herr Moos von Seiler to the Central Finance Department, dated 13 May, 1936.

I would like to refer to the quotation brought up by my client, and this can be found on pages 58 and 59. I offer this as Exhibit 155. Ilgner document 148 is another letter from the Director Moos von Seiller, dated 26 February, 1937, to Farben. This letter explains the thoughts of Mr. Pollak about the concentration of the chemical plants in Austria.

I would like to point out page 64, - I do not want to quote the lengthy statement, - but the document is offered as Exhibit 156.

Tour Honors, on the next page of the index, I come to Ilgner Document in Book No. 2, --- pardon me, this is Document No. 2, -- these are minutes of the 18 July 1937, about a conference held at the Skoda-Wetzlar Works. This conference took place on the 29 May, 1937, between Mr. Pollak and Mr. Englaender, and members of the Skoda-Wetzlar works and gentlamen of I.G. Farben.

according to these minutes, Mr. Pollak designated the condition of the chemical industry in Austria as regrettable and unhealthy. I quote from my document to k on page 67, beginning with the last line: "The only one profiteering from this state of confusion is Aussig, which in South Bastern Juropa has taken measures of consolidation which are exemplary

9000

Therefore, in his opinion it is a matter of course that an englamation of interests must take place and as soon as possible in order to provide the Austrian chemical industry in the menner of other countries with internal tranquillity required for scientific research and industrial organization."

This document is offered as Exhibit 2.

The next Ilgner document, Number 3, is a note about a conference on 22 September 1937, between Mr. Pollak and Mr. Cober-Indres and Mr. Schiller of Farben. Here too mention is made about the measures of consolidation taken by the Austrian chamical industry, and I quote from page 71, the last paragraph

Pollat again discusses in detail his idea of the future development of the chemical industry of mustria. He and Philipp, as well, would have to resign in 2-3 years, but there would be a lack of successors. Therefore, he could do nothing better than to transfer his inheritance to I.F.Farben, in when he seem the best possible custodian. The present-day political situation would no longer admit of a sale of shares, which he had criginally intended, therefore one must take the semewhat more complicated route of merger.

This document is Exhibit No. 3.

I turn to the next page of the index and come to Ilgner Document 149. This is a letter of the office of the Commercial Committee in Berlin MW 7, of 28 March, 1938, to Dr. Kuchne. There is a note of 19 March, 1938, attached to this letter. This is an excerpt; erroneously, this is not mentioned in the index. I ask that the date be changed. It should not read, "18 March, 1938"; it should read "19 March, 1938". This note gives a brief description of the course of the negotiations about the acquisition of the Skoda-Wetzlar, and I quote; on page 75, at the bottom: Since 1931 efforts

have been made to join some of the participation by means of purchase or nerger with the Powder Flant Skodowerks wetzlar A.G. to a new efficient chemical firm.

I justs from the next paragraph, about the middle of the page:

"In spring 1938, however, after many attempts the negotiations had proceeded so far that the final agreement was to be expected in the middle of March. Yet the majority of shares would not have been handed over to I.G. Farbon in the planned merger, as Schuschnigg's government, for political reasons, insisted that the Reich German participation in Skeda-Yetzler should not exceed 49%."

I offer this decument, Your Honors, as Exhibit No. 157.

The final four decuments in this volume concorn

themselves with Russia. This is a mistake - I beg your pardon.

First of all, Ilgnor No. 150. This is an excorpt from the auditing report of Mr. Dancker, head of the accounting department, about the auditing carried out by him on 9 and 10 March, 1938, of the balance account books of Skoda-wotzlar.

This document boomes exhibit 158.

Journal, Estacutsche Wirtschaftszeitung, License No. 42 of the Military Government of 18 December, 1947. It shows that the Donau-Chemic, Vienna, is under the Soviet control, as German property in Austria.

This becomes Exhibit 159:

I have three more documents.

Now Ilgner document 157, the Ordnance about the introduction of the Nucroberg racial laws in Austria from the Rolets Law Gazette. It becomes Exhibit 160.

Now I think, Your Honors, this would be an appropriate 9882

place to take the recess, because I do not think I can finish the book.

THE PRESIDENT: The Tribunal will rise until one-thirty. (TRIBUNAL IN RECESS UNTIL 1330 hours.)

(IDIESES MOONSETEL)

TE ITRSHAL: The Tribunal is again in session.

DR. NATH: I shall now continue with the submission of the last four documents of my Document Book No. 9. They refer to Soviet Russia. The first document will be Ilgaer No. 160. It is an affidevit of Dr. Anton Reithinger, who on the basis of a specific experience, describes how Dr. Ilgaer was surprised by the war against Soviet Russia. This document will receive Exhibit No. 151.

The next Ilgner Decument will bear the number 161.

It is an affidavit of Hanns Gierlichs, who discusses the Prosecution Decument NI 1334, Exhibit 1176. The order mentioned in this document as given by pr. Ilgner, with reference to Russian industrialists, was probably prompted by the Roich Ministry of Economy, and was never executed, as the witness testifies. This iccument will receive exhibit No. 162.

I shall now turn to the Ilgner Document 162. This is an affidavit of Mr. Emil do Haas, He also discusses the above mentioned Prosecution Document, Exhibit 1176. He too confirms, as a result of his activity at the East Limison office, that the order prompted by the Reich Ministry was never executed. This document will bear Exhibit No. 183.

Finally in this book, I shall submit Ilgnor Document 163. This is an affidavit of Dr. Willibaldo Passargo. He refers to the Chemic Ost Gran where he was the business manager. The witness confirms that the Chemic-Ost Gran, was founded as a more advisory company. Love this advisory capacity was only used in a yeary few cases of very little significance.

Ath respect to the gongral attitude of Farban, I shall quote from page 93 of my document book, "In summary I

Should like to state, " -- it is the last paragraph, Your "Honors, "that no statements or actions on the part of I.G. Ferben which might have come to my knowledge, could have given rise to the assumption that Ferben intended to establish itself industrially in the Mast."

This document will receive Exhibit No. 164.

This, Your Honors, brings me to the end of Ilgner
Jonanant Book No. 9.

should like to make the following remarks. I do not think it has escaped the attention of the Tribunal that I have not yet offered any accuments which refer to the case of Norway, Norsk-Mydro. This fact is based upon the following reasons: It has not yet been possible for me to make the trip to Oslo, Norway, which was approved by the Tribunal. The Military Government, at first did not approve the journey because we had no forcion exchange. We asked to get forcion exchange from friends of ours, and we hope that in spite of everything, it will be possible for us to make the trip.

However, so many formal difficulties are involved, so many applications to be made to various consulates, and so many papers have to be filled out for the Military Covernment, that we can only hope this journey will be undertaken before the end of the trial. I, therefore, would ask the Tribunal to permit me to present the evidence in the case of Norway at a later time, that is at a time when I can tell what decurent material I shall have at my disposal for the presentation of the necessary evidence.

In connection therewith, I should like to make the following request, and I think this is also a sound suggestion. Combined with the last outstanding document book concerning

23 March-A-IL-15-3-Stowart (Int. Rawler)
Court VI Case VI

Norway, I should like to offer seme other documents which I street from abroad, for instance, from the United States.

In view of the dolay in correspondence, it will take some time before that material gets here, and finally. I have a small number of other dominants inich come from Germany, which I tent to present to the Priornel in one document volume at a later date.

Regarding the period of time by which the evidence is to be submitted. I would be grateful to you, if you would give as a generous period for the presentation of such evidence, especially in view of the fact that most of my document meterial refers to foreign countries. I may perhaps suggest the date of May of this year, at which time perhaps the trip to Norway will have been o employed. That is my auggestion.

promptness in getting your ten books processed. There has been no delay in the trial on that account. The Tribunal is anxious that there be no accumulation of a large number of documents, that might be calculated to delay the conclusion of the evidence, but without imposing any deadline on you, whatever material, within reason, that you can get before the perense rests its ease, will be received by the Tribunal, and if the Tribunal can do anything to help you in getting your documents from foreign countries, we shall be very glad to give you whatever support we can along that line, particularly in dealing with emerican agencies where perhaps a letter from the Tribunal might be of some service to you.

will be very glad to cooperate with you and help you in any

way that we can.

May I say during this interruption that another thing you have done, that the Tribunal regards as very helpful, is the summary of the contents of your books, by which you have indicated the groupings of your documents. We have found that very helpful and we appreciate the manner in which you have presented your documentary evidence.

DR. HATT: Hany thanks, Your Honor.

In conclusion, I should like to offer Ilgner Document Book No. 10. This is the last volume of documents which I shall subsit today. At first I shall turn to Ilgner Document No. 164. This is an affidavit of Edward Schuermann, the head of the administrative department, Berlin My 7. The witness describes the Concresity Dr. Ilgner showed in treating his French prisoners of war, and Italian refugees, who were active in his office. I beg your pardon, they were lithuanian refugees.

This document will require Schibit No. 165.

The next Ilgner pocument bears No. 165. It is an affidavit of Malter Boohne, Chief of the Farben Building Department. We discussed the same question concerning the treatment of foreign workers by Dr. Ilgner. This document will receive Exhibit No. 166.

Turning to the next page of the index, you will find Ilgner Document No. 166. This is an affidavit of Otto Troppenz, former Buergermeister of Bugk. Bugk is the place where Doctor Ilgner's evacuation office was located.

The document speaks for itself and it will receive Exhibit No. 167.

I shall now turn to the next document, No. 167. This is an affidavit by the Lithuanian citizen Stasys Kuzminskas, of England. During the war the affiant we amployed at Berlin No. 7, and later he held a 100 in the Evacuation Office of that department. There he had to take care a. Lithuanian refugers. He describes how Dr. Ilgner took generous measures with respect to their housing and food and with respect to every social care necessary. Dr. Ilgner was also praised by French priscours of war as being a man of good heart. This document will bear Exhibit No. 168.

I shall now turn to the next document, Ilgner No. 168.

This is an affidavit of the former French prisoner of war, Pierre Bachelot. He worked under Dr. Ilgner in the Evacuation Office. The affiliant confirms that he and his comrades were excellently treated by Dr. Ilgner and that Dr. Ilgner, contrary to legal directives, did many favors for them. The document will receive Exhibit No. 169.

The next but last document is Higher 169. It is an affidavit by the Deputy Counter-Intelligence agent of Farben NW 7.

This is an affidavit fo Dr. Ruediger. The affiant refers to Prosecution Document Exhibit 1311. He confirms that neither he nor Dr.

Higher were informed of the contents of Ordinance No. 13 of the Planipotentiary General for Labor allocation, dated the 1st of New rier,

1943. This document will beer Exhibit No. 170.

My last affidavit in this book is Ilgner No. 170, which is an affidavit by Heinz Karl Fanslau. He refutes the assertion of SS-Obergruppenfuehrer Oswald Pohl, who had not known the defendant Ilgner before the collapse in 1945. This document will bear Exhibit No. 171.

This brings us to the and of Document Book 10.

This is the and of the case on behalf of Max Ilgner.

THE PRESIDENT: Thank you counsel.

DR. PRIBILLA (Counsel for defendent Jashne): May it

please the Tribunel, I intend to commence the case on behalf of the defendant Jeanna by calling the defendant Jeanna to the witness stand as a witness on his own behalf. Simultaneously with his examination I intend to present those documents to which the witness may refer.

I have submitted three document books, and before starting I should like to clarify one little matter. May I ask whether the Tribunal has all of these three books?

THE PRESIDENT; we have the three books.

DR. FRIBILLA: May I ask you to open these books? I have also made that correction in writing, but I thought that it would expedite matters if we made the changes together here.

I am referring to Book 2, page 4 of the index; page 3 and ad with Document 56. On page 4 of the index, 59 should follow at the top; 55 is there instead. Would you be good enough to correct these five numbers? That is page 4, from top to bottom. That is to say: 57, 38, 39, 40, and 41.

If you now turn to page I of the index of Book 3 and assign the number 42 to the first document on that page, everything will be in parfect order.

THE PRESIDENT: That is 42 instead of 377 DR. PRISIDLA: That is all.

would you places have the defendant Joshne brought to the witness box?

(FRIEDRICH JAEHNE, a witness, took the stand and testified as follows):

THE PRESIDENT: Mr. Defendent, would you please reise your right hand, say "I," and state your name for the record?

UITNESS: I, Friedrich Jachne.

THE PRESIDENT: And now repeat after me the oath. ...

sweet by God, the Almighty and Omniscient, that I will speak the pure
truth and will withhold and add nothing. (Witness repeated the oath.)

You may ba seated.

DIRECT EXAMINATION

FRIEDRICH JAEHNE

BY DR. PRIBILLA:

your full first and second name?

- A Friedrich Joshne.
- Q Ohars wars you born?
- a In Mains, on the Rhine.
- Q How old are you?
- A I am sixty-nine years of age.

Q would you place bristly describe to the Tribunal
your professional development and carear?

a After having made my matriculation at the secondary school, I spent one year at a machine factory, as a worker. Then I absolved my military series with the navy. This brought as around the world, and, among other places, I spent one year in Chine.

Afterwords, I studied machine construction, and in Berlin I passed my examination as a Diploma Engineer. I commenced by professional activity with the Sixuans-Schuckert Lorks in Berlin.

and technical plant management, and I was always a plant man from that time on in chemical factories. At first I was with the Deutsche Sodawarks, and then with the chemical works of Grissheim. Later these were merged with the Farben plant Grissheim Elektron. Then I was a chief engineer at the chemical factory of Hoenningen, and from there I went to the calluloid factory near Hannheim.

From there I went to the dyestuffs factories of Laverkusen as chief engineer. In this position I had to take core of the inorganic factories as plant engineer, and later I took over all the production plants at Laverkusen. During that time I had the opportunity to observe the structure of landing chemical factories in England, France and Italy. In the year 1932 I took over the management of all the engineering installations of the Hoschet plant. I became Deputy Vorstand Head in 1936 and in 1938 I became a proper member of the Vorstand.

In Hosehst all the technical angineering departments were subordinated to me, numbering two thousand men altogether. My main task was to utilize all angineering and technology to the fullest production of the plant. For that purpose all technological auxiliaries were investigated for their appropriate use for our chamical production.

It was always my motto that physics of today means bachnology for tomorrow. That is how the first electron microscope for Houghst came about for consumers' industries.

Than I had to investigate any maturials which were to be of us; to the plant, from a chemical and mechanical point of view. In chamical plants high temperatures and high pressures merge, and were on the apparatus.

I'm must take into consideration that in Farben approximutally 300 million marks per year were expanded for repairs alone
in their vari as plants. One of the most important tasks of the
engineering department was making available sufficient amounts of
power. I.G. Farben used about 10,000 billion kilowatt hours per
year. If you compare this figure with the amount consumed in public
electricity works in Germany, you will find that they had 52,000
billion kilowatt hours. That means that Farben consumed about
twelve per cent of the total. Farben, being a consumer of power,
therefore, was predominant in the expansion of high pressure steam
technology in Germany.

Q Mr. Jachne, I deduce from your descriptions that your talents were mostly in the technological field. Did you have any further interest beyond that, for instance, in politics?

A No, technology was my passion, and up to my advanced aga now it has always remained my passion. In politics I was only

23 Mar 48-k-MB-16-5-Schweb (Int. Ramler) Court No. VI, Gasa Mr. VI.

interested as it is usual for any normal citizen of a mation. Up to 1935 I was a mamber of the People's Party, which was a democratic party of bourgeois: circles. The program of that party was in accordance with my personal way of thinking, and later I found many friends in that circle with whom I maintained commections at all times.

DA. LAISHLA (Counsel for defendent Jachne): Mr. President, at this point I should like to submit the first affidavit: It is Document I from Book 1. It will receive Exhibit No. 1. This is an affidavit by the Acting Mayor of the city of Frankfurt who has known Mr. Jachne for a long time and who testifies on his personality and political attitude. In connection with the same subject, I should like to offer Document 42 from Book 3. That you will find on page 1 of the volume. This document will receive Exhibit No. 2.

BY DA. PRIBILLA:

- Q. Ur. Jacken, may I assume that your rise in the Parben industrie was based merely upon your achievements in the technological field?
- helped me. I don't know any other influence which was of based upon material achievements.
- Q. Within Parben, did you play ony part beyond that of your task as a technician?
- A. No. You must consider that over 1,200 engineers were active in Farcen who had had scademic training. Through their technical hands expenses went for which they had to be responsible, which entended to one and a half billion marks per year. You must consider that, as a member of the TEA, as a chairman of the TEAO, and as a representative in Farcen-maingay, I had many important tasks in other technical organizations. That crowded in the to its fullest extent, and I was not in a position to concern myself with any other fields.
 - 7. Within the Farden organization you were a member of the TH.?
 - A. Yes.
- 1. That was the significance of the TEA office, as far as it has not been described here already?
- a. Dr. Ter Neer testified about the task of the TEA Office generally, and I need not repeat what he said. I think, however, that something must be said about how the significance of TEA changed as time progressed.

One has to distinguish between three periods of time: First, the period of time before 1935; second, from 1933 up to the outbreak of the

war; and, third, the period during the war.

ith reference to the first, before 1933, TEL was practically the decisive agency deciding upon investments, and therewith the business policy of Farben. The experts, production commissions subordinated to it were dependent upon TEL. The Vorstand, above TEL, had no expert organization, apart from the TEL, which could in any way influence its decision.

"ith respect to the second phase, from 1933 up to the outbreak of the war, the significance of This changed gradually. (a) It changed because the a thorities imposed secrecy obligations on a number of technical apports. I may mention Fistor for Bitterfeld and Aken. (b) The authorities generally interfered to a large extent with industry. The allocation of steel, iron, and building materials could only be acilieved only from the authorities if the products to be produced were in line with the requests by the nuthorities. With respect to the third phase, one must say that all investments were made upon orders. The work in the plants, the construction of which was ordered by the authorities, had started at a time even before the TEA had knowledge of such plans. The TEA them acknowledged the entire sum of expenditures, squetimes amounting to buildreds of millions. The responsible technical expert then approved the individual expenses as the so-called preliminary credits within the framework of the entire expenditure. That meant that the TEA was merely playing the role of a recipient of orders, who only received their information subsequently.

The government told Farben what had to be done, and the TEA had to do with it what it could. If anything went wrong, as for instance the time when Leuna was destroyed by air attacks, then the industry was held responsible by Goering, who shouted at them. That, in my opinion, was the reason why ter lieer wanted to stay in Italy. He didn't want to be the recipient of orders of blown-up laymen and people who didn't know their jobs.

^{).} Mr. Jachne, what was your special task in the TEA?

A. At first I was the only engineer in the TEA. Later, from Sparte One and Sparte Three one engineer each was edded. I had to report on general engineering questions concerning Farben, in particular on industrial production by Farben and on our relations and differences with the public producers of power and fuel. I reported on experiments and research in the engineering and technological fields. I was in charge of technological credits, and I think that about comprises my tasks.

I neither must to enlarge nor belittle my position here. I am only interested in clarifying exactly what my position was. I was the expert technologist who was asked how a certain technical problem could be solved technically. That certainly was an important function, but it was very clearly limited.

- Q. In addition to that you were the chairman of the TEKO. That did you have to do there?
- A. The TEKO was comprised of the chief engineers of the various plant groups of the so-called works combines. The TEKO had to set the credit demands in the technological field, that is, to assure availability of power, transportation, etc. This organization had to see to it that the experience of any one plant was utilized for the entire concern of Farben. They took up position with respect to proposals for promotions of engineers; they laid down directives about the best way to construct factories; and they dealt with the patent registration of a technological nature.

I think that it would be helpful to clarify the sphere of tasks of engineers in Farben generally and the tasks of the TEXO in particular. One must distinguish between production plants, production plants are plants for the production of specific products, for instance, a sulphuric acid plant. And then again there are general plants. To these general plants belong water plants, power plants, store rooms, railroad plants, etc. When setting credit demands for production plants the engineers and specifically the TEXO had nothing to do with the question of whether the plant was to be constructed and what product was to be produced. The Production Commission was the one which dealt with these matters. The

That referred to the production plants. With respect to the general plant, however, the TEXO uttered its views in every case and also said mather or not they thought that the plant was actually necessary. Naturally this concerns such plants where credit demands were necessary. That is to say, in every case where Parben itself had to pay the money. In the case of such plants where the Reich expended the money, we naturally had no voice with respect to utilization.

23 March-A-FL-18-1-Gaylord (Int. Ramler)
Court No. VI, Case VI

Q .- "Fore you the superior of the ergineers of all plants?

A.- No, the large plant groups had their specific chief engineer of whom I was not the superior. They were always subordinated to the respective head of the Torks Combine. The TEKO, as the name shows, was a commission, that is to say, a technical working community which had regular meetings, and I, as primus inter pares, was the chairman.

O.- Ir. Jackmo, I should like to clarify that. That, for instance, would have happened had you and the chief engineer in any one works combine agreed about one problem and the superior of that chief engineer — that is, the head of the works combine in question — was of a different opinion?

A.- In such a case, I could not make a decision myself under any circumstances. I had to try to reach an understanding with the head of that works combine by way of negotiation. Naturally, I could also turn to the TEA. Formaps the TEA could make a decision, but perhaps not. Probably the TEA would have deferred the entire matter. Bosch once said to one Parbon man, "to are not a court of arbitration hore."

Fire Your Honor, with reference to Japhne's attitude and with reference to TEKO's tasks, I should like to submit one document. This is Document 45 which is in Book III on page 8. This will bear Exhibit No. 3.

hir. Jachne, well, that was your position within Farben generally, and what was your position with works combine l'aingau?

A.- First of all, I was the chief engineer of the works combine Maingau. I already mentioned that at the outset of the examination. In addition, I was the deputy of the head of the works combine Mainyau.

O.- What authorities were connected with this position as deputy head of the works combine Maingau? Here the individual plants of this works combine independent, or how was this organized?

A.- The Maintau plants did form a works combine, but every plant itself was independent. Every plant had a chief, a leader, according to the law for the order of national work — that is to say, a plant loader. Naturally, they had to keep within the framework of the directives which had been issued to them from superior agencies, that is to say, directives which applied to Farbon generally. In other words, I had no right to issue directives, but I did have the obligation to see to it that the general Parbon policy was adhered to at those plants.

7 .- That was your position in the Boochst plant?

A.— As deputy plant leader of the Hocchet plant, I had to represent
the plant's leader, Professor Lautenschlaeger, during his absence. On the
mole, I was informed by him about all important events. Naturally, he did
not give me details. During Professor Lautenschlaeger's absence, I sottlad urgent matters myself and decided upon them.

O.- That was your position within Farbon, Mr. Jachno, the Prosecution has submitted a document, MI-9761, Prosecution Exhibit 298. It becomes apparent from that document that in addition to your position in Parben, you hold a number of offices and honorary offices outside of your activity within Farbon. Is that true?

A.- Yos, I was the president of the technical commission of the society for the prevention of accidents in the chemical industry. I was the deputy chairman of technical supervisory association. I was the chairman of the technical supervisory association of Frankfurt. I was the deputy chairman of the Dechema, that is to say, the Ferman association for chemical machinery. I was a member of the presidium of the Ferman Norman Committee, and I was also chairman of the Reich x-ray office and various other technical organizations. All that was in connection with my position with Farban, Farban, naturally, was at the head of the enemical industry in Germany with respect to its chamical and technical connections; that is to say, their collaboration in every field was widely demanded. Since I, as an engineer, had an important position with Farban, my collaboration in public life was often desired in my capacity as an expert.

23 Warch-A-FL-18-3-Gaylord (Int. Remler)
Court No. VI, Case VI

Q.- Fr. Jachno, in summary, may I repeat that all those offices were assigned to you on the basis of your expert knowledge in the chemical and technological field and on the basis of your position with Farben.

A .- Yos, that is brue.

assigned to politically reliable people?

A.- As a rule that was true, but I already hold those positions before the Third Reich came into power. I retained these positions because one couldn't very well surpass Farbon. In the final analysis, one cannot proceed in the field of technology without people with expert knowledge. The Party had no choice but to use a person who in their sense of the word was not reliable. Finally, I received many a position because of the very reason that many circles in industry thought that I, not being a Maxi, would be more efficient and rould not be blinded by Party ideologies.

Q .- In other words, you say that all your positions and honorary positions had nothing to do with any political opinions on your part?

A.— You; subscribedly I often experienced it that I was called upon only whenever my advice as an expert was needed. In the case of political decisions, however, I was always circumvented. I believe that the Party was very sensitive as to who was internally a Maxi and who rejected its principles. I think they were more sensitive than the Prosecution in this sense who try to put everyone into one big pet.

Q.- But you were appointed to the position of Tearwirtschaftsfuchrer during the war — military economic leader. Don't you remember that regulations were submitted by the Prosecution according to which a man who was appointed as Tehrndrischaftsfuchrer by the ONV had to be investigated politically as to his reliability? How about that? How did that apply to your case?

A.- I was not appointed by the OKW but I was appointed by the Reich Mimister of Recommics. At the time of my appointment, it was a title with which 23 Parch-A-FI-18-A-Gaylord (Int. Ramler)
Court No. VI, Case VI

no setivity meatsoover was connected — a title which needed no preliminery investigation as to so-called political reliability. I would even go
as far as to say that the Gauleiter certainly whould have kept this rank
away from me because at that time every leading man in the industry was
a little suspect. But that would have been somewhat too conspicuous and
would have given rise to too much publicity.

Q.- Mr. Jachno, the Prosecution has submitted a decement here. This is Exhibit 475, NI-593h. This exhibit contains a list of A2 experts who more appointed by Professor Mranch, the general plenipotentiary for chemical industry. This is a list of 1943 and it bears your name as the plenipotentiary for the Gebechem for power plants. The prosecution in their opening statement said that you were in charge of a technical group within the Economic Group elemical industry. How about that?

A.- That is an error on the part of the presecution. They are somewhat confused. This position which the Gebechem assigned to about 42 people had nothing to do with the technical group of the Sconemic group chemistry.

Upon the request of Speer, the Gebechem had to appoint technical representative who had to assist him in the execution of his work. Of these 42 technical commissioners, I am one. I was not really a technical representative but marely an advisor on power plants, but I never really became active in that expandity.

7 .- In other words, that was merely a position on paper?

A.- Yos.

Q.- You were the chief of the industrial department of the economic chamber of Hoss. Now about that appointment?

A.— I was personally acquainted with many gentlemen from industry, in particular, because I was always interested in apprentice education in industry. In that connection, my attitude towards the Party had always become known. The appointment came about upon the instigation of industry, which thought that I would oppose any unwise actions by the Party.

25 March- A-LU-Gaylord (Int. Annier) 19-1 Court VI - Case VI Q. You were also a member of the advisory council of the Raich Group Industry. In the indictment, this Reich Group Industry is charged with the planning and mobilization for war. The prosecutor, in his opening statement, also mentioned your name in that connection. How wis that? A. My position as hand of the industrial economic chamber was automatically connected with a membership in the Reich Group Industry. I did not op, ose my appointment into that capacity because I thought that I would be told to support the Roich Minister of Economics, Mr. Schacht, whose apposition to the Firty was very well known. 7. Did the Reich Group Industry have enything to do with the planning and modilization for war? will, the Reich Group Industry had nothing whatsouver to do with industrial mobiliar ion. Instever the prospection itself has submitted here about hob plans shaws that this mobilization was done by the ocunemic groups; that is, in the case of chemistry, the economic group chamistry and not the Reich Group Industry. I think it was a great deal if I attended a meeting of Roich Group Industry three or four times. A trip to Berlin was not always pleasant and I only attended these meetings if I could a bebine such attendance with business obligations there. During those meetings, as a rule, one sould herr a speech by a Party man which was held with a great dual of Pathos but very little conviction. The Whole musting actually muant that the popule present were informed about regulations or directives which had been issued. It was ferbidden to voice any criticism because of the Puchrer principle, and at the end everybody was thanked for their information, and then everybody was allowed to go home. Did you activity limit itself to attending such mootings or were you active in any other ar in me or the other of the handwary offi in any essential way whatsoover? A. Ho, I was never active in the advisory counsel of the Reich 9901

Group Industry. There was really as etivity for all these members of the advisory counsel. The whole thing was confined to three or four mustings t year, as far as I remember, is I said before, speeches were made, and that was the muthod which was used at the time. The orders which were issued by this group were so studid that the industry had a great doal of trouble in trying to interpret these regul tions in such a way as not to to too much drango. Naturally, one could put questions, but one could nover change the principle. As head of the industrial chamber of trade in Frinkfurt, I neturally had a second t greater influence, but there I always tried to defend the interests of industry against interfering agencies not belonging to occuraty. For instance, I recall the endeavers of the labor front to got hold of all the appendice education and to use all the youth for their purposes. I had to intervene where the labor front tried to class industries and shows and plants which were not feworably disposed to the Forty one because they didn't pry on ugh dues, and matters of a similar nature.

7. Your Honor, in this community I should like to subout two dicagants. .. t first, I should like to subsit Document 43, in Book III, Page 2. This document is to receive Exhibit No. 4. It is an affic vit of Rudolf do lo Roi, who was the former business marger of the industrial depertment of the Chamber of Industry and Trade for the Rhine-Main area. He describes in detail how Mr. Jackne was appointed the head of the industrial department of the chamber of trade. I quote one sentence, "The appointment of ir. Jachne to the chief of the industrial department was not midd upon the suggestion of the MSD.P but upon the suggestion of industry, who considered director Jackne, in spite of his membership in the MSDLP, as a person who was not bound by Party principles. He was a man in whom they showed greek confidence. The industrial department of the Carmber of Communes was also the district representative of the Reich Graup Industry. Consequently, it was connected with the head of the Reich Group Industry, and that is why the hard of the that group was asked to bee me a number of the cavisory counsel. On page 3, the witness gives us a number of

owingles which show the distrust with which is. Joshne had to ease as a result of his attitude.

The second decument which I should like to submit in this connection will be decement 3 in Book I on Page 7. This is an affidavit of Dr. Otto Ackhard, who says on the second orga, I quota --

THE ATTSIDENT: That was document 3 in Book 19

DR. PYIRILLA: Book I, Schibit 5.

THE FR SIDENT: And will become Exhibit 5. Thenk you.

DR. PRIMILIA: I should like to quote a sentence on Page 2 of the Affidavit. "Director Jackse was offered wany honorary offices.

He never refused his assistance where he saw that as a result of a remainable political attitude his influence could perhaps save sameling for industry. Ories for help to him mostly came from sides who suspected danger, whenever the danger existed of the party gaining increasing influence on the occness by the appointment of Mass sympathizers."

ir. Jushne, but you, granulf, did become a member of the Farty, did you not? For what reason?

I number of the June 1938 I was a member of the Party. I become a number of the June 1947 is representatives. I become a member retrocatively from the first of the 1937. In moria 1947, the do Masification board of the English officer at Duessalderf, 318 Military Government Detechment, made a docision and I was informed that, who may retain his present position. The Spruchkinmor has put me into the entagory of these not incriminated. Even if that does not show very much, one can deduce from that that the English and Gorman agencies arrived at the conviction that I was not a Nami. New you ask me why I joined. As I said before, the occasion was the direct request by the Gauleiter. My way of thanking and all my feelings were exposed to that course. But then I held an important position and I had to follow reason. Reason told me that it sould be senseless to run mots head against the wall. You do not have the wall but the head doesn't fire so

23 March - A-LU-19-4-Gaylord (Int. Remler)

will. Had I said, "No, " I would have had to count with it that within a very short time I would have to give up my position. Remaining in my position, I would be in a position to help many people, and I also considered it an important orinciple to help others. I think that as a result of my decision to join the Party, I may able to help many people.

23 March - x-LU-20-1-arminger (Int. Tamler) Court VI - Case VI

- Q. Dr. Jachne, this decision by the Denazification Court out you into Category 5, as one not incriminated, in other words, exonerated?
 - A. Yes.
- Q. Over and above your formal membership, were you ever active in the Perty in a political way?
- A. No, never. At that time, as soon as I entered the Party I told the representative of the gauleiter that as a result of my profession and honorary activities, I was not in a position to attend meetings nor would I be able to hold any positions in the Party.
- Q. Independently from any general political activity, did you within the framework of your activity in Farbon, and as a deputy plant leader, make the principles of the Jarty your own and said you advocate them to your subordinates?
- i. No. I think the controry is true of myself, and my entire department was known for that attitude throughout Parben.
- DR. EXHILL: Your Honors, in connection with that subject, I have received a number of affidivitz, some of which came to me without my arking for them, which have been incorporated into the document books and which I want to submit into evidence formally.

Firstly, I am referring to the affidavit Nucherer in Book I, Document No. 2. I shall offer it as Jachne Exhibit 6 without quoting from it.

In the same book, on Min 10, you will find the Document No. A, which I should like to submit as themse Exhibit 7. This affidavit is interesting because Erisbois was a former delegate of the Central Party of the City of Hoschot and because he discusses the question of the appromise education. This question of influencing the youth in Maxi ideology was furticularly dangerous. Brisbois area on the 1 of his affidavit, "Jackwe eften told me that many orders were now being given, stating that the main thing for apprentices was their ideological training. He told me, however that he insisted that the you train training should continue to a lie the

first place." in. Joshne managed to keep hir. Brisbois contrary to the lesire of the Party to get rid of him.

The next document in the same book is Document 5. It deals with the very size question. I should like to submit that document as Jiehne Exhibit 8. It is an affidavit of Diploma Engineer Hermann Veith. Since 1932 he was the Chief of the Hoechst Training Center. Jachne managed to keep him contrary to the resistance by the Party and I should like to quote one sentence from page 2 of the affidavit which shows Dr. Jachne's attitude: "When apprentices were taken on, all that Director Jachne asked was that the bosy should be of good character and have the ability to become efficient workers. Although the DAF demanded that the apprentices taken on should be members of the Farty or of the Mitler Youth, it did not make any difference to Director Jachne what political trend the boys or their volatives followed."

The following document of the same book No. 6, I shall submit dealing with the same subject and will assign to it Dehibit Johne No. 9. This is an affidivit of Siegfried Fiesbalt.

The name document dealing with the sace subject is Jachne No. 7, which will receive Dahibit No. 10. This is an affidure of Karl Jacidal. He especially deals with Jachne's about ude at the end of the war. It that time the destruction of all plants was ordered. He says and I quote, "Although those were orders which were important for the carrying on of the war and their non-observance could have led to the most severe punishments, Herr Jachne quite openly directed, in the conference which was subsequently held, that as little as possible should be carried out."

I should now like to submit the next document dealing with the same subject, Jackne, No. 8, which will receive Exhibit No. Jackne No. 11. This is an affidavit of Heinrich Humann, He too emphasizes Jackne's attitude toward the end of the war and he states at the end of this affidavit, I quote: "Then the American Army was moving towards Frankfurt on the Main, Herr Johne pleaded with the Gauleiter for the point of view that

the defense of fir nkfurt would be senseless. This happened at a time when statements of this kind were dangerous and an expression of lack of will to resist was liable to punishment by hamding."

The next efficavit in connection with this subject is in Book III. It is Document 44. It will receive Exhibit No. 12. It is an affidavit of Hormann Basler.

- I. (IV Dr. Fribilla) Ir. Jushne, one question in connection with this subject, the Masi activities: The presecution has submitted a docuzert, NI-5868, Exhibit 85. This is in Prosecution Document Book IV. These
 are minutes of a technical committee meeting of Hoschat and the following
 is quoted. It says: "Steps are to be taken against the contempt shown for
 the German greating." Couldn't one conclude from that statement that Maxiism
 was officially supported in the plant?
- A. No. A reasonable man who knew the conditions as they arevailed at the time would come to a different conclusion. He would come
 to the conclusion that there were many people in Hoschat who thought that
 this Party gesture of raising the right arm, which was imported from Italy,
 mus entirely ridiculous and they clearly showed their tendency to that
 effect. I remember that they complained about that at great length. Thenever somebody lowely greated someone else -ith "Meil Hitler," the other
 person would always point it's formy to his forehead. Of course, when the
 livity noticed that, they interfered and they asked the Torks mann secont to
 see that it would be stopped and that is the same of that phrase.
- Q. The prosecution then said that for the Gau-Day of 193, a building of the plant was to be placed at the disposal of the Purby. Was that in support of the Party?
- A. Well, you are quite right; it looks like it and it will intended to look like it, but just imagine what our situation was at the time.
 Heachst is not a very large city. There were no hotels there. If any
 meetings took lace in Hochst to which many people went, then all these
 people had no choice but to turn to the plant and ack them for their
 assistance. That, as a rule, happened when the functionaries where people

who were also employed at the plant. It would have been impossible to deviate from that whit when the Mazis came to power and to refuse that request would have been an open declaration of mar and the case was too assignificant to do that.

Q. A further resecution exhibit, 86, NI-75869, also deals with a Directorate Facting at Hoschst. In that document it is stated, and I quote, "The lasting mentlemen of the plant are to atlend a series of luctures of Professor Jerner dealing with the book, "Dein Rappf."

that impression. One couldn't singly may that we were not going to follow this request by the Perty, but had you been present during this me thing, you would have known new relaction we were to attend any such Party Rinctions, to thick very few recolls actually ment and I do not even think that the lectures ever took place. Then you can so that the party considered it necessary to make a specific request to the leading gentlemen. Otherwise they thought nobody would come and that is the reason why they approached in. Naturally, none of them on his own initiative ever had the idea of attending a lecture on Whim Kampf. "

THE PRISIDENT: It is time for our recess.

(A recess was taken.)

THE MANSMAL: The Tribunal is again in session.

BY DR. EMPINA: (Attorney for the Deformant Jackne)

Q. If. Jackie, during the recess I glanced at the Prosecution documents and I found out that in this chapter, particularly training of the youth was especially emphasized by the Prosecution; particularly by Prosecution Ethibit 89, Document NI-48hO, and Exhibit 177, Document 1588h which concern themselves with this training of apprentices, and you are brought into connection with this bocause it is alleged to have been said that the technical consistee was recommending the participation in the training course of the Dinta, in which the training was in an ideological field. Perhaps you can out ent upon this matter.

A. This bolongs to the large chapter of the struggle of industry against the efforts of the party and the labor front. The entire training of apprentices and with it the treater effort of these agencies. the party and the labor front, was, to get the training into their hands. I ask the pormission of the Tribural to go into some details here. I think that without emaggeration I may may that in this struggle of industry I, was the representative of I.G., and of the technical committee, I was on the front linesof the struggle, and I think I was successful too. First of all, a clarifying remark. Dinta means inatitute for technical training. Its director was a Professor Arnold who founded the institute in the 1920's; later on he had to leave it up to the Ger on labor Front. The German labor Front now tried through the Dinta to take over the whole program of apprentices and to carry it out in their own places. In Frankfurt, as the director of the industrial department, I made it impossible for them to do that. I did this by removing the ground from underneath its own training agencies. The technical contitue was of my opinion in the whole question. The training agencies. The technical committee two of my opinion in the whole question. The training of apprentices had to be done practically in the plants. We succeeded in getting Dints to limit itself to the

KG.

ideological field. Therefore, the technical committee no longer had to be afraid that the influence of the plants would be taken away from the technical training of the apprentices. We were not afraid of this ideological training if we had the apprentices in our plant the whole day and if the can who trained them was the proper man. In the binutes of the technical committee, submitted by the Prosecution, there is proof that our opinion was victorious because the professional training was thus taken away from the labor front.

- Q. Ir. Jachne, in the same Prosecution exhibits it also talks about the dermid that the directors of the training agencies had to adhere to the government. That do you have to say about that?
- A. That was a very general regulation which was valid for the entire industry. The labor front represented the government in this respect, and it was in charge of the distribution of the apprentices. One had to apply to them if one wanted to get hold of apprentices at all, but what we did was something entirely different. I retained the director of the apprentice institute, Pfiat, who was not a party member, and whose removal from the German labor front had always been demanded and kept him in this position even though there were considerable difficulties. Finally, the labor front put one of its own men into the place and watched him closely, but the man remained where he was.
- Q. if. Jachne, if you did not agree with the Nazi ideology, didn't you at least agree with the power politics of the German Reich which later 1sd to war?
- Me No, I did not. I did consider it reasonable that unemployment would be ruthlessly removed; I also approved the rearmament to a
 certain extent because I am of the opinion that a severign state should
 also have the possibility of defending itself against attacks from other
 people. As for the power politics of the Third Reich, asit was expressed
 in the militarization of the Rhineland and the anti-centractual attitude,
 I never approved. I wished that through the objection of other states

that this policy would be stopped so that the whole thing might have then collapsed. The nonsense of the living space idea I also rejected because it all people acted according to that principle, we would continuely have war.

Q. Did you recognize that the Nazi power politics intended and planned aggressive war?

A. No. I could not do so at that time. Contradictory to that were solom assurances of the Fushrer which were also believed by leading politicians in other states. I could not uc so because in the field where I was well informed, for example in Parbon everything speke against that; Farbon built a dyeatuff factory in England; it delivered the plant to England and helped build a magnesium factory; in France it built a factory for the production of sulphuric acid for the French government. I purschally was come med with making the final preparations for the international settlement emgress which was to meet at the end of 1900 in Munich. Finally, I had seen brough of the world and I was sufficiently a technician to realize that war was so sensoless for Germany that one could only expect it of a madman, and I did not consider Hitlor as such at that time. As a too mologist I figured out that against us would be arrayed a power ten times as great as ours because the number of human beings on the other side was twice or three times as large, and these people also had three or four times the amount of horsepower; for example, America had about eighty million tons of steel annually, and in Germany it was at the most twenty millions.

As for gasoline, at best Germany had eight million tons. America alone had eighty million. I knew that a war of the future was a war of technology. At the very beginning of the war I calculated all this as is well known. Therefore, I could not believe in that.

Q Mr. Jaahne, the prosecut on has introduced a number of exhibits about the fact that you, in your capacity as Chief Engineer at Hoschet, were actuve in the field of anti-aircraft protection; especially Prosecution Exhibits 171, 173 and 177. More you active in the field of anti-aircraft protection?

A Yes. According to the directives of the German authorities I was active in this field. Not only in the Hoechst plant, but for the entire Farben company. The Til had made me a specialist expert for this field for the catire Farcen company. I am very grateful to the presecution that it has introduced so many valuable documents in this respect. In this respect, it deviated from its usual policy of only submitting incriminating deciments because, in this case, it has only submitted exonerating material and hes refrained from submitting any incriminating documentary material. I shall list the incriminating material in a minute, but I would like to make one preliminary remark. If I had really believed in a wer, then whatever I did in the field of antiaircraft protection would have been a big mistake because all that I did finally had as the result that the plant staff was not protected after all. And now the proff from the documentary material submitted by the prosecution, namely that I never promoted the work in this field but stopped it. Exhibit 172, Drawmont Bonk 7, I quote: "The directives issued by the Beich Association of Industry are to be carried out in Forben as for as this is possible without expense." Well, without expenses one carrot do anything. Exhibit 173, Bo k 7, from the session of the "cc'nic-1 Committee: "The optive expenses of Farben amounted to eighty thousand marks at that time. At that time, Farben had a staff of about sighty thousand people. The installations certainly had a value of more than three million. In other words, with eighty thousand marks -

that is one mark per person, eighty thousand people, and a value of over three million Teichamarks was to be protected. Exhibit 172, Book 7, Directorate Session, Hoochat, December, 1936; "Application for credits for antiaircraft protection, fifty thousand marks. Another application a forty-two thousand marks." They were set aside. They were not approved, that is, and the mark which was requested was not carried out. Exhibit 174, Decement Book 7, Technical Committee, 18 September 1933: "The annunts set aside for all the plants for the purpose of antiaircraft protection of alto other one hundred minety thousand marks seems too high." Exhibit 178, Book 7....

Q Mr. Jachno, please pardon so for interrupting you. The interpretors told me during the recess that they think it's botter if you cite the specific places. Please be considerate until the interperter has found the birk and then quote it. Perhaps you could repeat the last one. Which exhibit is that?

- A Exhibit 178.
- Q Book 77

A Hook 7. Session of the Technical Committee of the 25th of September 1934: "Request for air raid protection are so strong that discussions have to be made about the effects with the Central Reich Committee,"

The purpose of this conference was certainly not to incre se the requests further. Thibit 179, Document Book 7, page 59. "Special Session of Main Group II."

- Q English pase 32.
- A I quote: "Johne reports on air raid protection quostions. It is doubtful whether they will be carried out, etc." Also the prosecution witness made statements to this effect. I don't think that I have to add anything.
- Q Perhaps you could briefly tell us how you considered this whole air raid protection and what the opinion was in Farben about it. Did they consider this an active or passive measure?
 - A I'll try to be brief because the field has been gone into in so

much detail that I feel I am boring the Tribunal. It is only a question of the passive air raid protection. Since no one thought of an imminent war, very considerable pressure was necessary on the part of the authorities in order even to carry out certain passive air raid protection measures. These, first of all, consisted of certain organizational measures being taken such as grouping the employees into cortain groups. Then the procuring of gas marks. We needed them anyhow and we always had them for the protection of our staff when there were disturbances in the plant as chlorine or sulphuric acid or with the fire engine or in case of explosions for instance with chemical plants such as happened at times. In this field Farben had to show semothing. The Roich Group Industry had a difficult position. It was supervised by the Reich Air Ministry. If not once h was done, this handing over of the air raid protection to the Ruich Group Industry would have gone back to the Miniatry as it always wanted it. In other plants there was, of course, not much to be seen, but because of the fact that we had the protection for our staff for other accidents, we were able to show something. Thus we made a lot of a nw as far as that was possible.

Q Now, the Hotchat plant, as the prosecution Exhibit 173 shows, was a so-called suburb for the other plants as far as the air raid protection field is concerned. Did it remain that way?

A That was in the beginning. It did not remain that way. The covelepment was as follows. In the beginning, Farben was able to build one or the other installation on its own part, but this changed soon. The authorities gave orders and with these orders there were also orders for these new plants. Namely, that when building these new plants the necessary air raid precaution installations had to be added. Thus this field was taken out of our hands and the funds for those installations were provided by the authoritim and the Technical Committee or I, as its chairman, could not do anything further. The reason why Heechet was made a suburb was that various I.G. agencies, where a special pressure was exerted by the local authories, could say that this must first be examined and I saw to it that this remained in a general frame,

- The comment of mobilitation plans in the sample works that in plans which provided for collaboration with poverment agencies in parcetime, especially bout what plants were to produce in case of a var, is that marreet
- The even today I am of the opinion that this was all right and that such requirements measures and regulations of the ehr out for infustry are everally taken in all countries of the world. I, on my part, as if a such a plans are concerned which happened on the order of the technorities, have established shat has to be done in my plants that end of our countries were necessary, what was needed a kine respect by the read restore, and so forth. The prosecution does not like to pear it today if one says anything as to that happened after them. But if one says anything as to that happened after them. But if one says that the same thing has not, the same thing that a mid before the first that think we are charged not but I think that I have the if it is a penning that we true to do in the countries a more at that the happening that we true to do in the countries a more at that the happening that we true to do in
- thinking of an agreesive var or a letensive may or what was the idea?

- this. It is due to be established that, in case of need, the simulant rould retaine; if we dres up these plans in order to maint in our old moduction if a table, and to also had to cold borate here because those people.

who were not in this field of production which the 'shraicht 'shied, 'cold have been taken way from us during the r and this protection of our plant and of our old production was considered by us then the mobilize know plans were first drawn up.

- The plants in Sermony were divided into two large groups -- one, the ones which were important for the life of the nation and for the , and then the p all armment industries. To that group did the localist Plant belong?
- necessary for the life of the nation.
- C. Did you consider the preparation of these production plants as preparation for an aggressive war?
- and one could not conduct a war with such production plants. It other things were necessary. But I did not know bout that then.
- . I. J show, I shall mode to mother chapter. You were the deputy shouger at Loschet. In order to get your position owite clear, an ocially for the mession of the leadership of the foreign torkers, it is interest what Poschet roduced. Could you tell us briefly about the roduction program it Boschet?
- industry as her a main products are concerned. Inorganic products such as sulphuric and, chlorine, sedium, in prochloric acid, mitric all, instended to reducts for dye-stuffs, dye-stuffs, especially might raise dye-stuffs, achievents, harmer, plastics, tentile auxiliaries, solves detergents, then fortilizers and medicines, solversen, pyraminon, hormones, and vitamines much become well known all over the world. Cutside of certain and il a natities of stoke agents nothing was produced for the analysement industry.
 - . h t about this latter product?
 - a. Shoke gents were developed in localist during the First orld for

and their employment had been suggested then. I think it was first used in the bettle of the Skagerrak. It was a substance which would produce a smoke screen in prose to make those invisible the did not want to be seen.

- Exhibit 110 . scording to which hexogen in supposed to have been first de-
- The experiments to find a new production process for hexogen which had long been known happened before the period when profuseor fautehacks eyer and I were in charge of the plant. When we, in 1955, there the forth of Ferman, took over the plant a negement, they had been concluded. Awang our time no such experiments were any longer made.
- .. . s hexagen also produced in Moschat at that time or 1 ter during the war?
- n. No, Bexogen was never produced in Foechet, neither forming my time nor before that nor afternards.
- . Your Monors, about the subject hexegen I would like to offer two dozugents from Book 1. Dooument Sumber 10 is Jachne Schibit Muber 13. This is in Ifidevit of Seinrich Greuns, the former director of the Centrul Liber tor, of the former I.G. Plant Ecechet. On page 2 he gives a detailed description that within the customery research work in the year 1935 - chear t of the Hoechet plant leveloped a new process for the reduction of exceen. In t was it the time then neither Professor Lutenschile or or .r. weekne had the responsibility for the plant. The efficient further states -- rather he describes the process that were later developed to other plants but had nothing to do with Hosenst. The next affil vit, Document Joshne Number 11, much I offer as Jachno Minibit Aber 14, is an efficient of Dr. Grottenelli. This man is an It lien chemist. I offer it as proof that si il r tork on hexogen was also done in other countries. Thus he says on a go I that, as early as the our 1928 a nat process was invented in Italy which was patented as a new prosess in 1991. He emphisizes on page 2 th t there were no rel tions between the italian firm and Farben in this field. And in the final sentence

of his efficient he says, and I wote: "apart from Switzerland, and there especially via the Hitro-Pant. — hoxogen had been produced to a small except on a pilot plant basis since 1937 in France and in Czecho-alovaki. — here in Pardubics which was under government control." And deshie, the production progres of Moschet which you mentioned before — did this char a essentially after 1953?

small. 5 for as I recall from 19'3 to the end of the wor it as a bout twenty-siz million. That is about ten percent of the work of the entire percent installations in Moschet.

- Q. In this connection I would like to show you Prosecution Enhibit 595. This is Document BL-5896, Book MIMIII. According to that, in the Technilogical Committee Session in 1937 a Dr. Staib said that the nitrogent departments show a very great increase in deliveries, in shipments; thus in 1936 thirty carloads daily but in 1937 one hundred twenty-seven carloads daily were supposed to have been loaded. This was nitroyed that was produced in Receipti
 - A. Yes.
 - Q. Wes this mitrogen for the production of emplosiven?
- A. No, this is shown by what you have just said. High grade, highly concentrated nitric acid is used for explosives. This is a liquid which is shipped in a special two of car. The designation "freight car" shoes that in this increase of the chimment it was a matter of fertilizer. There were not exough special cars for the shipment of nitric acid. They had to be a de of aluminum and it took six days to ship they and there were 752 such aluminum cars needed and we did not have those.
- From the Exhibits 87, 113, 124, 136, 137. This make screen when was this material developed and how long was it produced exactly?
- A. I think I strondy mentioned that it was developed during the First World War and in very small quantities. It was produced currently; namely, whatever our 100, 00 ar w or our navy ordered. The entire production of this amake substance in relation to what Moschet produced althoughther was so small that it is hardly worth mentioning.
- Q. Mr. Jacks, in the Prosecution Exhibit 272, Document "I-5633 > enterprise for GM-I plants in Poschst is mentioned. The Prosecution especially embasized this strange and secret designation. Ploase tell us what this is all about.
- A. Gi-I means nitrogen oxydul. It is the well-known loughing gas. It is not a poison gas. It was to be used to increase the capacity of

cortain times of motors.

- Q. How was this technically employed? How was it used?
- A. The part of the notor which was to absorb oxygen was connected with the oxygen in the oxygen in the nitrogen oxydul would increase the oxygen in the air.
 - Q. Thank you; I think that suffices.
- DR. PRIBILLA: Your Honors, I would also like to offer a document about this. This is from Book I, document Jo. 9. This is offered as Exhibit 15 for Jeekne.
- Q. Mr. Jachne, another Prosecution Exhibit 31, Document NI-6500; this contains a letter of the Sales Combine Chemicals of 1938 to Farben and it concerns Tutogen. Would you please tell us what Tutogen is?
- A. Tutogen is a fire extinguishing substance. It develops a fewer and thus cuts off the oxygen from the fire. Thus, the flame is extinguished.
 - Q. Could one do something else with that, something more dangerous?
 - A. I can't inagine.
- Q. Unt about Di-Nitro-Benzel? Of this, too, smake quantities were surposed to be produced in Hoschet and Griesheim. Is that an explosive?
- A. We. Distinct Gamed Goes not belong to the explosives. In percetive it was used as an intermediary product for dyestuffs. During war time it was filled into groundes but this was not our intention when we produced Distinct Genzel as an intermediary product for dyestuffs and I think the Webrascht didn't enjoy it either because it reduced the explosive power, but it had to be used because one did not have enough genuine explosives— for example, Tri Mitrotoluel. The cavity which was left in the granade had to be filled up with Distinct January measures and the Accident Prevention Association of the Chemical Industry which, of course, had very strict regulations for explosives, did not even include Distinct January in these precontionary measures.

In every factory which wanted to produce this intermediary product, it was produced without any precentionary measure, without any special regulations. In other words, Di-Nitro-Senzol was not an explosive.

DR. PRIBILA: About this I would like to introduce Jachno Document No. 12 which becomes Exhibit 15.

Q. Mr. Jealma, enother Presecution exhibit, 1823, Document No. 12,739 — this is supposed to show a connection between Macchet and the firm of Malla & Company. What type of connection is that and what is it all about?

A. As a result of the local proximity of the two plants, Kalle in Biobrich and we in Hosekat always assisted each other. At that time, as I have found out here, Hosekat was supposed to see to it that employees of Kalle who were in need of a rest word to be sent to a home in Boden with which hosekat had close connections. Any other close business relationship with walle did not exist.

Q. Ar. Jacime, about the group of the Laingau Works, there are two plants in Gricshelm that belonged to this group. The Prosecution now said that you were supposed to have special relationship to one of the Grieshein plants, Would you please tall us what relations these were?

A. Pricehoin Autogon made a certain type of apprentum for Autogen technology. It was a machine factory. As such it was always subordinate under a machine engineer. I had the everall direction. That means the director Professor Holler, supervised the current production. He could make suggestions to take my new products, to expend the production conscituted the running business there — the decisions about that lay with me as the everall manager since I was responsible in the Verstand for the proper management of the plant.

A Yes, the Wohrmscht did that through its of icers who guarded the prisoners of war.

DR. PRIBILIA: Your Honor, I do not want to make any more statements about that, but I would just like to introduce two short documents in Volume 3. Document, Jackne Mo. 55, page 44, which becomes Mo. 17, an effidavit of Alexander Wiegend. The most document is Jackne 56, which becomes Exhibit 18. This is an affidavit of Dr. Hermann Heller, the former head of the Griesheim-Autogen plant.

Q Mr. Jeehne, I now come to the count of the Indictment, spoliation. We have heard the testimony of the witnesses Sepilfogol and Schwab, and we have seen the decuments, and in this entire subject there is one romank that a container was brought to Offenbach and this come from the works Welm. Of embach belonged to the Maingau plant. Did you know anything about this container?

A No. I only h and about this in Normoorg; namely through the documents of the Presucution. It is correct, to be sure, that the works of forback, which bought this container, belonged to the Works Combine Maingau, but the plant had an independent management, and of course could not independently, when there were small purchases.

The purchase of a used boiler, if I remember corructly of 1 cubic meter, for about 300 marks, belonged to those thinse which the plant manager was able to do independently. I repeat that I was not questioned about the purchase of the biler, but after examining the document, and after receiving some information from the then manager of the Offenbach plant, I would like to say that offenbach did not have the slightest thing to do with taking over Wols. Offenbach had bought a bailer, and had paid for it. That was sensiting which happened every day.

DH. PRIBILLA: Your Monors, about this incident, I would like to submit one document for Book 3, Document 48, on page 19. This will be Jachne Exhibit 19. In this document the former manager of the Offenbach plant gives exact information about the purchase of this boiler, and emphasizes particularly that this was a purchase which he carried

out, which he was able to handle within his own independent position without bethering to question anyone about it.

He said literally, and I quete: "I do not recall that I ever asked
Professor Lautenschlaeger or Berr Director Jachne about this
purchase, or that I gave them any special message about it. There
was no reason to do that, because I was an independent plant manager.
This was too smell an object, and a matter of very little importance.
Of course later an sp lication for credit was handed in about the whole
matter, but as far as the applications are concerned, it was not customery
to report about the origin of the object purchased. Furthermore this
application was efter the purchase, so that this purchase could not
have been reveled."

Q Mr. Jackno, Mr. Hagenboockor speaks here of a credit domand for the entire plant. Can you tell me what the relationship was of the briler to the entire plant, approximately?

A Oh, it sight have been mo-eighth of the amount of the entire

Q Mr. Jacknet during the wer, the exygen plants in Diedenhefen were 1 aced. In this connection the Presecution has frequently mentioned your name. There are some circular letters which were addressed to you. What did you have to do with this matter at all? I mean purely organically speaking.

A Purely organically speaking I had nothing to do with it. This was a commercial transaction. As croryone knew, I was in charge of the technical part of the exygen field in Perben. I knew about this lease, because the business men, as seen as it said, "exygen" in a contract, informed me about it.

Q Mr. Jachne, I want to ask you very specifically, lesses and sales contracts are matters for lawy rs and for business; therefore, I want to ask you again, did you participate in the leasing negotiations?

A No. absolutely not. The regotiations were carried out by the Sales Agency chemicals, but the then director of this agency, Weber Andreas.

You can sather this from all that is contained in the document books of the Presecution. Circular latters about this were sent to me, but as far as I recall, I did not do anything, as a result. It did not belong to my tank to take care of communical matters.

Q Do you recall what was written to you at least in broad outline, - what was the reason for these negotiations? Why were those plants to be need usable?

A During the war much had been destrayed in Alerce, specially transportation facilities, bridges and so on. In order to remove the
rubble very quickly, and in order to reconstruct these transportation
facilities, rebuild them, we meeded exygen to burn through and to weld.
Therefore the people who were in charge of the administration of the
recupied territory pressed for a quick restaration of the exygen
plants which had been evacuated by the Frencheen,

23 -ar.ho-.-GJ-27-1-Schwab-(Lea)-Court 6 case 6

It was completely impossible to transport these quantities of exygen to asser because of the transportation situation.

- In reference to these oxygen plants, did you become active apart from the negotiations upon taking them over?
- A Yes, considerably so. As a technician I looked after the restoration of these plants, and I made the necessary people available for that. I recall exactly that these started this technical task with great ambition. In the oxygen plants under my direction they sometimes did more than I liked to see. They searched for spare parts which I needed syself, and they took them along and used them in the building up of this oxygen plant in Aleace.
- is What happened with the oxygen? What was done with the oxygen after these plants were put back in operation? Did the oxygen to German;?
- A bo, the entire production, as it did in peacetime, remained in Alsace Lorraine. It contributed considerably to restoring the plants there and in veiting transportation running again, and thus to maintain peace and quiet in the occupied territory.
- Q As for the facts which you have heard these oxygen plants in Alesce Lorraine, were they of such a nature that somehow it occurred to you that this spolistion or plunder?
- the negotiations of these businessmen, I saw that everything went according to order, and I saw that very appropriate prices were established for these plants. Furthermore, Farben did not remove anything; it brought a lot of things to the plants. The production remained for the requirements of this area. According to the documents about Dieuennofen and also about the second plant, Strasbourg-Schiltigheim, which is mentioned in this connection, we took over the plants in a sad state. Then we left them they were very valuable. I really cannot see anything as far as plumder or spoliation is concerned, as the Prosecution claims.

23 Mar.18-A-GJ-27-2-Schwab-Court 6 case 6

Dk. PSIBIL A (Counsel for the defendant Jachne): Your Honors, you will find details about this in two documents in Book 3, Jachne No. 16, on page 13, as Exhibit 20, and the next document, Jachne No. 17, which becomes Exhibit 21. Perticularly in the last affidavit of Director Wacherer it is confirmed on page 2 that the machines of the plants mentioned had been brought to the interior of France so that only the buildings were left. When the works had been put back into operation, the production morally served to maintain industry in Alsace Lorreine. Export to Germany was not intended, and did not come about. Froduction was merely applied for the interest of Alsace Lorreine. By DR. FIFELOW:

Another point. Mr. Jackne, Prosecution Exhibit 370, Document NI-6086, in Volume 15, contains the minutes of an AK Meeting of 8 July, 1941. In this, Mr. von Schmitzler reports about the inspection of St. Clair du Rhone by a technical commission. The Prosecution quotes this in connection with you.

Is this the Technical Committee, and did you participate?

A lie, As I was able to determine from the documents, this is a technical occasission which was morely formed for this one purpose once, and which was composed of expert chemists. In plants for dyestuffs, if one mants to judge the dyestuffs predoction one does not send machine engineers but dyestuffs chemists. Therefore, this must be a mistake.

I come now to the employment of foreign workers. The Prosecution claims that too TEA and the TEXO, because of the approval of the barracks building program, hed cooperated in foreing foreign laborers to perform slave labor. You, Mr. Jachne, belonged to these two institutions and you were chairman of the TEKO. Please tell us in how far the Technical Committee cooperated in approving this building program.

A Two TEAD organised from an engineering point of view whether the credit demands were appropriate, who ther these barracks were appropriate, particularly whether kitchens, medical facilities, etc., facilities. The barracks really became depent housing. Mostly, they were the uniform Larracks in which our sons were housed in the Meich Labor Service.

At this point I introduce a document from Book 1, page 60,
Document No. 16, which will become Exhibit No. 22. This is an affidavit
of the former businessmen in the Engineering Committee, Mr. Eckardt.

I would like to muste one sentence from page 1. The applications for loans for billets and buts were only massed on to TEKO when the Social Consultes or the office of Bertrams - Dr. Schneider had given in opinion on the nord for buts. The Technical Committee then gave in opinion from the engineering point of view on the suitability of the proposed method of construction.

for funds? And what on suqueness would that have had?

A To you mean for the workers? Then they would have been left without any housing. Fr do you mean for the Technical Committee?
That would have been a clear case of sebotage during the war.

Do I understand you correctly when you say that the approval
of the berracks only could be of advantage to the workers, but perhaps
by rejecting the berracks one could have protended the whole employment
of for ign reckers?

According to the regulation for the employment of foreign workers by our Government, this was entirely out of the question. It would have done of lot of name to those people responsible.

brief the schools for foreign workers. 't refers particularly to the minutes of the Technical Committee of the 11th of December, 1913, Prosecution E-hibit 1319, Volume 68, English page hl. Under No. 12-7 T. find the following: "Schooling for workers. Priess' reports about the schooling of workers in Pressels."

23 kar.48-a-6J-27-b-Schwab-Court 6 cise 6

This has long been in operation already and is completely installad."

Then it is also stated that there are sany difficulties at the time because the trained personnel often does not go to Ga many but that they floo.

What do you know about that, and what did you have to do with these schools for we skurs?

A I personally had a negative attitude to these workers' schools, which was in conformity with my entire thistade on the question of foreign verkers. The IERO, had to come on itself with this because in the new plants three was a great lack of skilled workers, and this made every continuation of construction and the maintenance of the plant impossible. Since Sparte III was the field of Mr. Riess, and since it had very few orders of a high priority, it was in the worst position because of the ruthless employment of drating of skilled workers, and through its chief engineer, Riess, it had installed schools for skilled workers abroad.

DR. PRIBLES or Jachne, I think I am going to interrupt you hard. Perhaps we shall continue about this tenorrow.

The PRINTER The Tribunal is in recess until nine o'clock tomorrow morning.

(The Tribunal recessed until 0900 hours, 25 March, 1958.)

Official transcript of Hilitary Tribunal VI, Case VI, in the matter of the United States of America against Carl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 24 March 1948, 0900, Judge Shake presiding.

THE NARSHAL: The Honorable, the Judges of Military Tribunal VI.

Hilitary Tribunal VI is now in session. God save the United

States of America and this Honorable Tribunal.

There will be order in the court.

THE FRESIDENT: You may roport, Mr. Marshal.

THE MARSHAL: May it please your Honors, all the defendents are present, except defendants Lautenachloeger and Haefliger, who are absent, due to illness and defendants Oster, Mann, and Gattinacu, who have been excused.

THE FRESIDENT: Are there any preliminary announcements from counsol? What says the defense? Anything from the presecution? You may continue, Dr. Pribilla.

PRIEDRICH JAZHNE - Rosumed

DIRECT EXALIBATION - Continued

BY DR. PRIBILLA:

Q lir. Jackne, first of all I want to begin the continuation of your expansation with the question which is still unenswored. This deals with the problem of the Verstand responsibility. Are you in a position to tell the Tribunal and us whether spart from the Verstand members who are here in the dock, there were any other men who were members of the Ferben Verstand, who are still living today?

A Yes. First of all there were three members of the Control Committee, Professor Dr. Paul Dudon, Kommercianrat Dr. Wilhelm Gaus, and Dr. Karl Krekeler. The letter is their now, but he was still living when the indictment was served. Regular Vorstand members were Max Coenen, Dr. Constantin Jacobi, Dr. Wilhelm Leheefer Prefessor Dr. Kurt H. Meyer; George Molnar, Kurt Oppenheim, also deceased now, but he was still living in May, and Dr. Philipp Ott. Dr. I must correct myself here. To my recollection Dr. Ott is not living any more. Dr. Gustav Pistor, Dr. Richard

Weidlich, Friedrich Weskott, Professor Dr. Hermann Barmhold, Now come the deputy Verstand members: Dr. Julius Abel, Engineer Adolf Ergus, Dr. Gerhard Ollendorf, the latter has died too since May, Dr. Otto Scidel, Dr. Paul Seidel, and Leopold Wiegand. That is all.

- Q Do you know the number?
- A Altogether, 19.
- Q Mr. Jackne, we shall then go back to where we stopped yesterday, that is, the subject of the schools for foreign workers which were instituted abread with the cooperation of the Technical Committee. Perhaps you can tell us briefly more about this subject.
- A I personally held a negative attitude towards these workers! schools abroad. This was as a result of my attitude towards the foreign workers! question altegether. The Technical Committee, however, had to deal with this matter, because, capacially, in the new plants, the lack of skilled workers was so great that any further building and even the maintenance of the plant became impossible. Sparte III suffered most of all from this shortage, because it had only very few orders which had a high priority. Therefore, in Sparte III, the skilled workers were most ruthlessly drafted. Therefore, its Chief Engineer, Mr. Riess, on his own, had instituted these schools for skilled workers abroad and he was very successful with them. Then the other plants gradually get into the same difficulties, they followed the example of Sparte III. The Technical Committee approved of this, We in Heachst did not get any, because we rejected it and we did not pay for it, because that was not very cheap.

DR. PRIBILIA: Your Honor, about this subject, I would like to introduce two documents from Volume III. This is Document No. 52 on page 32. This will be Exhibit Jachne No. 23. This is an affidavit of the Lr. Riess we just mentioned who started and who managed these workers schools. Hr. Riess says personally on page 2, "Director Jachne had a negative attitude towards the foreign workers' school abroad," and he also gives the reason for that, I quote: "It entailed so much expense

that it was only decided in favor of very reluctantly." Purther down on the page, "The aim was to guarantee foreign workers a thorough technical training free of cost and then to employ these skilled workers in Germany. The schools were creeted entirely at our cost with the cooperation of recognized contractors in the country concerned. The rooms, tools, social accommodation, washing and bathing facilities, living rooms, etc., were provided to our expense. Machines, tools, appliances, etc., had for the most part, to be brought from Germany since they were not to be had in the country concerned." On the next page, up on top, "The people were recruited on a voluntary basis. They received full wages during the training."

About the seme subject is the next document in the seme book.

This is Document No. 53, which will become Exhibit No. 24. This is an affidavit of Nr. Otto Einsler. This win was Director of the Engineer Department of the Works Combine Miederrhein, Lower Rhine, of Perben. No confirms in this affidavit that the attached report is an original report of Main Group III during the war about the terkers schools abroad. On page 2 of the affidavit I would like to quote one sentence from this report. It says there, "Thus, for the first course of our mechanics school in Copenhagen, a selection was made from 502 applicants, of which 32 men were chosen." He says further, "This was an exception. Novertholess the following should be observed, that the applications to the schools were much more numerous than the capacity to accept that many applicants."

Q Mr. Jachne, I now come to the foreign workers employed in Hoochst itself. It is a fact that foreign workers were employed in the Hooseht plant. Who was the responsible plant manager of the Hoocsht plant?

- A That was Professor Lautenschlager.
- Q Would you say, ir. Jachne, that you as Deputy of Professor Lautenschlaeger had his responsibility, or, shared his responsibility, in the field of the employment and the caring for the foreign workers, or didn't you?

A Yes, I gladly and with a good conscience can take this responsibility. Professor Leutenschlauger clways informed me about this quastion in broad outlines and we were always in agreement about it.

Q Professor Leutenschlanger, in an affidevit submitted by the prosecution — this is Exhibit 1358, Document NI-6415, has made a few not quite clear statements about the employment of foreign workers in the war production. Therefore, I must ask you one more whether weapons and munitions, or anything also which is montioned in Article 31 of the Geneva Convention was produced at the Houghst Plant.

A No, Professor Lautonachlanger in his affidavit speaks of armount production. This is a very flexible term, and those concepts and words were always confused in Germany. In the final analysis in modern warfare, the entire production serves the maintenance of the combat power of the Army. Especially in Germany during the war, only that was allowed to be produced which was considered as important for the war and witel for the country by the authorities. Professor Lautonachlanger in his exaggrated conscientiousness fell victimte the very wide spread belief. Heachst outside of these for smoke screen agents never produced any war material. Everything had been built up for peace time production and therefore foreign workers could not even be employed there in a forbidden position.

the direction of Hoeseht had welcomed the employment of foreign workers.

Was that true:

I personally would not have formulated it that way. The frets were as follows: Hoschet redeived production orders from the authorities. On the other hand, the workers were drafted. Therefore, this production requested by the authorities was reduced and this led to repreaches used by the authorities. In this situation it was suddenly said we were getting foreign workers. They were supposed to help us. That of course eased our situation somewhat and we would welcome that. I. as the man who mainly had to do with the plant, did not welcome this, because I know that this would give us a lot of work and trouble.

DR. PRIBILLA: Your Monors, we have documents about this subject:
They are all statements of employees of the Flant Founds, who describe
in detail the situation in which the plant found itself at that the and
who show in detail what difficulties, what considerations, what misgivings
prevailed in the plant at that time when the employment of foreign workers
was first mentioned. I do not want to quote from this. I would merely
like to recommend them to the Sribunal.

First of all fromVolume III is Document No. 54, which becomes Jackno Exhibit 25. This is an efficient of Mari Gobbardt.

From Valume I new on page 72 I offer Jealma Document No. 6, which has already been introduced as Exhibit 9. It was nevaly the first part which was discussed then and new concerning this subject of foreign workers. I submit the second part of it.

In the same book on page 36, we have Jackne Document Jo, 13, which I would like to offer as Jackne Exhibit To. 26.

Then there is a document from Book III again. This is on page 22,
Document No. 49, which receives the Exhibit No. 27, This is a compilation
which the Director of the Velfare Department of the Roschet plant unde
and which shows what additional expenses had to be made for the foreign
workers and it lists these expenses per foreign worker per year. I must

the introduction of the prosecution documents I sometimes expressed misgivings about the index and then I asked that a question mark be put
at the margin. Unfortunately, today I must wake a question mark against
myself. This is on page 4 of the index. There is misleading and I would
like to ask that this be stricken. The sum of 2,877 marks refers to three
years and not to each year.

About the same subject, three is marther document from Book II.

This is Document No. 25. This is on page 1 of the document book. This document will become Exhibit 28. I would like to quote the first sentence from this. This is a letter of the Armanent Detachment of Frankfurt of the Roleh Minister for Armanent and Ministers, and, in the first sentence it saws, "It is impossible at present to assign German skilled labor or trained workers to the plants, since all of them, if they are not not in the Wehrmicht, are employed in key positions on work for the Wehrmacht or pannet be transferred for other reasons."

In the space book, the next decument on page 3, which is Jackse No. 26, will become Emhibit No. 29. This is a file note of the Rosenst Plant from that period, which also illuminates the situation very well. I would like to quote one sentence from the first paragraph: "We pointed out that it is impossible for us to reach the production not us by government orders and that we are also maddle to observe the deadlines for the completion of new plants."

- to. (By Dr. Pribille) Mr. Jackme, how many foreign workers approximately were working in the Hoschat plant?
- A. The entire steff of Boochst encunted to about 12,000 men.

 During the war it remained the same as in exectine. Of this total of

 12,000 people during the entire teriod of time, there was an average of

 2,400 foreign workers. The taximum number of foreign workers amounted to about 3,000.

24 March-W-JP-2-3-irminger (Int. Lea) Court VI Case VI

Q. Mr. Jackne, I show you Exhibit 1362 of the prosecution from Volume 69. There is a tolegraphic request in this from the Hoochst what in which 1,000 foreign workers were requested from the Gebechem for the maintanance of the plant. Do you recall this matter and what is the reason for this request?

A. Yes, the reason for the request was an inquiry by Gobochen as to low many workers we needed to maintain the plant. Since Gobochen was the one who was asking, it could only have been a question of voluntary workers who were losned.

- Q. The you know that at the beginning of the employment of the foreign torkers that they did not come on their own free sill?
- the volunt riness of the employment. The first foreign torkers told me that themselves. I did not have the alightest doubt about it that the first had once voluntarily. It took a long period of time until we heard something that foreign torkers who case later did not come volunt rily but that a not until a time when even in Germany the conscription for work had been introduced.
- DR. RISHLE: Your Romons, several documents from the review of time just assessed from Sook II, sirest of all, Jackne Document to. 27, on vige 5; this is to become Exhibit DO. It is an excerpt from the height Look Graette of 1941. On the next page of the same book, the same English page, we have Document No. 2, which will become Exhibit D1; slad a document from that time, in official letter which treats of the employment of Telgium assemply firms; both the same subject to also have a document from Eook I, on age 42; thus is Jackne Document to 15, which becomes a libit to 32.
 - 1. ir. Joshne, how were the foreign workers housed in Moschat?"
- The coreign torkers were housed in the same manner to the German torkers the tare temperatrily employed and the same from assembly harms; either in the home for single people or in betels; the larger art in burracks. These burracks, as I have tready explained, were the same burracks at those in which our same have housed the were not into the haden I ber Service. They were large, recapt they were heat bit, arthy with central heating; the families are together; the bedrooms in all sleeping familiaties, chairs, tables, a ship familiates, closets, sufficiently them, same or familiaties; special channing personnel paid by the plant took one to be that the burracks were kept clean and they say to it that there as a homey at exphere; the suffered deep and they say to it that there as a homey at exphere; the suffered special prizers are kept clean in the says paralening. The class of the foreign verters were not revided with a fence, except those for misoners of vary the prisoners of

course, We thre guarded by soldiers of the 'chro.cht.

- Q. Could the foreign workers move or and freely?
- because then they maked to leave the camp, they needed a plan, but this tas obtained to them they maked to leave the camp, they needed a plan, but this tas obtained to them difficulties area the camp leader because, after all, the camp leafer had to know the was beent from the camp.
 - To the food sufficient?
- .. Certinit. * h.d . very willful an, r. De Vrice, just for the purpose of seeing that the food was mulficient, and he was not limited in any all a sayenditures as for a seeing to it that food a revided. The only ctu I light tion as thatens could no longer buy over thing in the to musty desired. I recall that the director of the purch sing departness, r. Trubre, case to see me one day. or. Brubne, a rell as I. Je Vris, vestader on over- il direction and he coastained bout the powers of r. le Wries. We wented to cleak up on him. I turned him enty, a nee r. is Vries always mid to be very ruick about aling his jurchases, at he had to develop his our initiative. His business was not uste true of danger because sometimes he acted against official regul tions. To had to take over the responsibility for that immelf; as Freen plant, we could not do such a thing. Of wh tever is a procursi this thy, proper neals were province, of course, and to be to it to t the foreign workers got them; there was a strict concrel for that. The charlet of the air raid protection service had to control every isla before it was handed out, and he had to mark it down; he had to consirm this central with his own opinion in a book; this part of the enti-eir retection was done very glidly by everybody.
 - . ore there sufficient kitchens
- Tes. .fter the marching in of the americans, our foreign forkers' campatere used to accommodate the DF's. The american officer, a amjor madigum, who took over the campafter the capitulation, confirmed or certified that the feeding facilities were sufficient to feed fifteen

- course, the first series of mer, in general, were housed in the sine among of course, the fire guarded by soldiers of the 'ehrm oht.
 - 2. Could the foreign workers wove or and freely?
- hackuse and they mented to leave the comp, they needed a piece, but this are dominal to the difficulties from the comp leader because, from the comp leader because, from the comp leader because, for all, the comp leave the day.
 - T. . : the food sufficient?
- ... Cert inly. a had a very a illul men, ar. De Vrice, just for the purpose of steing that the fool me swificient, and he was not limited In any it is expenditures a fir a seeing to it that food a rovided. The only oval light tion was that one could no longer buy ever thing in the purpose feelred. I recall the o the director of the purch said depriment, r. Bruhns, che to see me one day. or. Bruhns, s tell is .r. Jo Wriss, to subjer up over- il direction and he condition bout the coners of P. Je Wries. We manted to nieck up on him. I turned him they, a not r. le vries altura had to be very ruick about a him; his purchases, and he had to develop his own initiative. His business was not unto Iron of danger because sometimes he acted against official regulations, is had to take over the responsibility for the hancelf; - F rhen plant, we could not do such - thing. Of an tever o s procursi this tel, proper meets were prograd, of scurse, and to be to it that the foreign workers got them; there was a strict control for that. The complet of the sir raid protection service had to common every in I before it was handed out, and he had to mark it down; he had to consirm this centrel with his own opinion in a book; this part of the enti-eir retection was done very gl dly by everybody.
 - . ore there sufficient kitchens:
- Fig. 168. If it is the marching in of the americans, our foreign torkers! carps are used to accommodate the DF's. The american officer, a light madis n, who took over the casp after the capital tion, confirmed or certified that the feeding facilities were sufficient to feed fifteen

thousand retails simultaneously, and to harsly ever had more than three thousand . Gay.

- to, es was illy the additional heavy of ers! ration?
- The last they get that just a the Germans did who had these a tion while. Duly in the case of the Russians were there certain restrictions in the beginning on the part of the authorities, but because of our . National archieur, we compliced that and if that also was difficult, we revided it from our our agricultural facilities. In had a form nour "cocket so that the foreignors received faily at least 2,500 calories, and this with sufficient a maintain of meat and fat.

Dr. Dallin: Your Monors, book this subject I would have to difer a marker of Securents, beginning with column I, on page 46. Wile is Doorment 15, "Lich vill become Exhibit to. 13. This is an affi vit of Dr. Freque These. This aim describes in Cot il hew he took over of the de-- riment for foreign turkers within the social telfere deport ant. I would like to Dote from page 1: "Ch this occ. sion Frof. Lutensoid oper gave me _ general survey of the position with regard to the eagle; and of forsign I ber, and pointed out that grout efforts had been a se constantly to Li rove the read and accommed them of the foreign workers. 'e thicked trut 1 on the to my continuing the bork on these lines and to do everything possible. If more wonly u. s aveded for the purpose, I should wply to him for the sum in every case. During my time Prof. Laucance Lagor - is sure for himself of the case to on of the foreign workers of whing in methods inspections every month of the conditions and the .coo modetion the food on the foreign forkers and vasited the camp and outerant establish-That with we. he always attached wout in ortance to the fact on a the trionic in till time and a wipment for the medical care of the foreigners wre beyond _pprocch."

thich will become Exhibit 34. This is an affidevit of fr. De Vries, whom

r. Jacking just mentioned. Ar. De Vries also recalls when the foreign sorkers of ps in Moschet were taken over by the American troops, and the recognition which was paid to the installations in Moschet. Then, he gives specific details, and on page 2, at the bottom, he mays: "The foot the priority adequate." This is on rage 49. " hen, in Soptember 1942, I took over the danagement, plant manager Prof. Lautunes 1 ever and Department Chief, Dr. Firschel coversally told me: You can have 11 the manay you need. Buy whatever you can; expense is no object. If these people are to work for us, they must be decently fed. He restrictions were ever throsel upon me by these officials where being an concurred.

I was not even obligad to adopted to the for the extent of my expenditure."

Libtle further down in the same page: "If any opportunit, rose for an to take idditional purchases of ration-free goods, I respect that fithout fuely blongered many bundred throughout a rise on it.

I stip our sentence: "In Yeason to had a reput tion for the best contains in the meighborhood, and we here attracted by the Liber Front and also by cayables for giving the Jereign terkers better feed then the civilian reput tion could normally produce."

On to A, at the bottom, that is note Als "Together this two cooks,

I have no list thick shows that was carrently sugalited to the foreign

Torkers in one teak."

Then, on page 5, thurn is a monu.

24 Mer. A5-K-GJ-A-1-Sumpson-(Lea)-Court & case 6

Jacket, we have a document from Volume III, page 2h. This is Jacket Document Do. 50, which will become Arbibit No. 35. This is another affidevit of Mr. De Vries. In this he has reference to the certificate given to him by the competent American officer who directed the camp for the accommodation of DP's later.

In the same book we have the next document, Jachne, Document No. 51, on page 27. This will become Exhibit 36. This is again an affid wit of Mr. De Vries, who has reference to a number of original menus.

I don't want to quote enything from these menus; they speak for themselves. I would just like to ask these menus not be read with American eys, but with European eyes.

Then, from Book I again, also as reparts the food, on page 5h, we have Josha December No. 18, which will become Exhibit No. 37. Your is an affidavit of Guorge Well who was one of the people who supplied the Hoochet foreign worker's comp with food.

The next document is in the sear book, Jachne Document No, 19, which will become Eshibit 36. We were fortunate amough to be able to find one of the Mussian cooks who cooked for his countrymen at that camp. This is Mr. Spassare v. __ essys on page 2 of his affidavit, the second paragraph; this is on page 57: "In my opinion the food was sufficient and those who did not have enough at the mean or at the evening meals could obtain second helpings from the food left over. In any case, I could see for myself that all of them were healthy and by no means lest any maight."

On page 60 of the same book we have Jacker Document No. 20, which will become Exhibit 39. This is an affidevit of Dr. Robert Kraemer who was one of the chemists who regularly had to test the food of the foreign workers.

Thun, there is one document from Book II, on page 38. Those are two letters from that time which were written or which concern a foreign worker by the name of Langlois. It is Jachne Document No. 37, which will receive the Exhibit No. 40.

On page 2, in the middle it says: "According to the report of Dr. Fuchs, the Frenchen wants to rent a furnished room; "this is on page 39. Even though he has to leave our even a memodations and gots less food. This foreign worker, of course, continued to receive the same ration card which he was entitled to, but this shows that if one was living in the Comp Homehat one received aven more food.

Coming back to dook I again, on page 74 we have the second part of the Document Jackne do. 8 which has already been submitted; that is Exhibit No. 11. This is the part which concurs itself with the foreign workers, and it was only separated from the first part for reasons of arrangements of subject matter.

A lim. Jackney, was some taken to see that the foreign workers were properly clathed and that the eletting was repaired or monded?

A Yes, it was men to it that the purple received sufficient clothing; away worker, no matter whether he was a German or a foreign worker, was issued working clothes. This was elecated in the plant's own tailor shop and it was also bended. In the case of the foreign workers, after they arrived, we saw that many, especially the eastern workers, had very poor and very few civilian alothes, and we took care of that too. In the plant we started a clothing collection drive in order to provide these people with sufficient clothing. The MSV, the walfars agency of the party, delivered clothing to us for the use of foreign owrkers. For mending of these clothes, we set up repair shops in the camp in which foreign workers were caployed.

Workers setually do; how were they employed?

A They worked together with the Germans, and did the same work, even if mostly they did not accomplish as much. Before they were started on a job, they were examined medically to see whether they could perform the work which they are supposed to do. Of course, as far as possible, we used them in their our professions thus we used them to the best of our advantage.

24 Mar. 1,8-1,-1,-1,-3-5 mapson-Court & case &

to Did the foreign workers do any jobs in the Househst camp which violated article 31 of the Gamera Convention?

A In the Moschet plant this was impossible because outside of small quantities of smoke screen agents, we had no such production in Moschet.

DR. TPINICA: Your Honor, in this commention I would like to introduce one document which refers particularly to the French prisectors of ver. This is in Volum. II, on page 41; this is Jachne Document No. 31, which becomes Exhibit 41. This document is interesting because it shows that the French prisoners of war the were in the Ecochst plant because civilian ownkers in 1943 on the basis of an agreement made with the French government.

The Jackson, on the subject of foreign workers, I must show you Exhibit 1361; this is NI-2029, from Volume 69 of the Prosecution. This refers to tecting of directors — I shall bring the date later — in Frenkfurt on the sain, and contains the following contents. This is 22 of February, 1939. Parson me, Your Honor, there is some confusion here. It must be a date from thewar; in is a mistake. I think I shall have to give it to you later, at any rate, it says in this session Firschel discussed details of the amployment of foreign workers as a result of the new conscription. "I says there also female foreign workers who still perform expressly feedains work had to be transferred because eastern somen are used to do a man's work. Was this a regulation made by the direction at Hoochst, or, how are those minutes to be understood?

A. The minutes of this session are not to be understood to the effect that decisions of the Director's Meeting have been made here. It was as follows: The expert on the subject made a report and this report in a received for our information and that's how it was in this case too. The expert, a Dr. Mirschel, reported about the new order making labor registration compulsory and about a new government regulation according to which foreign female workers had to be transferred Only thus can those minutes be understood.

Q. Your Honor, I can now correct the date. It is a session of 22 February 1943.

Mr. Jackne, word foreign female workers actually employed for very hard work in Newchst?

A. That is completely out of the question and it can easily be proved. I recall that Eastern workers were used in the dye stuffs storerooms. There the material was filled into boxes or tins, a work which had time far been performed by men. We used Russian women for that. The work was done on a piece work scale and the Russian women notually carned fore this way than the German men had done formarly. It was very easy work.

Q. Ir. Jacimo, how was the treatment in Hosehat of foreign workers in general especially by the foremen?

A. Voll, I can only say that Professor Lantenschlaeger, who was the plant leader and who was thus the man who had to see to this, is a physician. Professor Lautenschlaeger personally always saw to it and wherever he could do anything in order to ease the fite of these people he did so. Strict directives were issued on that score and these directives were always emphasized to the effect that foreign workers had to be treated decently and with an understanding for their position. The plant leaders had instructions to control this again and again.

Of course, he one was beaten. If this ever happened as an exceptional

case in a plant with 12,000 workers, it was severely punished if it came to the imposledge of the management.

Q. Your Honors, about the question of the treatment of the forsign workers in the Hoechst plant I would like to offer a few documents, First of all, from Book 2, on page 16, Document Jachne #29 which becomes Exhibit 42. This trusts the labor protoction of foreign workers. In the same book, on page 20, the next decument, Jachne # 30 which becomes Exhibit 43, which especially concerns itself with Russian workers. In this connection there is another decument in Book 1 on page 77, Dooumont #24 which becomes Exhibit #44, an affid vit of Dr. Ernst Engelbortz which concerns itself with the Gricshein plant especially. On the last page, page 3 of the document, Dr. Engelbortz says -- this is on page 79: "In fact, the plant management attached great importance to the foreignors being treated the same as the Gormans; that they were troated decently and in conformity with the laws of humanity. For instance, the camp police and works pelice were strictly forbidden to boat foreigners. I only know of one case where this rule was violated. The works policomen ennourned was punished and dismissed."

ir. Jachne, what about the working hours of the foreign workers?
How was this regulated?

- A. The working hours were the same as those of the German workers.
- Q. Could one perhaps designate the work in the chemical plant as unhealthy?
- A. One hears laymon say that very often and, in earlier times, it might have been so. At any rate, in the Farben plants the work was cortainly not unhealthy because they were installed according to the principles of hygiene. Proof of that is the relatively low rate of illness in our plants.
- Q. You said before that the families of the foreign workers lived together. The looked after the children?
 - A. Well, only the Eastern workers really brought children along.

They came with their whole families. In the course of time, children also were midded where there were no families. For all these little children there was a nice kindergarten with personnel from their own indigenous people. For the older children we had started a school with a Russian teacher. I think everything was done in this respect.

- Q. Here young people between 14 and 18 years employed in the plant?
- A. You, a small number of them in the same way as this was admissible in cases of German young people of the same age, and according to the Cerman protective laws, with work which was easy and with the proper working hours.
- Q. Were children under the years of age cuployed in the plant as claimed by the Prosecution?
- A. Di the Rosenst plant, on principle, no children were employed and this remained that way when the foreigners arrived with their children. But them came the mothers to us who were employed in the plant and said they wanted to have their children with them. That could only be done if one employed them as a matter of form. Of course, only with very easy work, such as messenger service. I naw them clean bicycles, for example. Thus the children received the food of the workers of the plant and they earned a certain amount. The few that I saw looked very well and everybody gave them something.
- Book 1 on page 70. This is Document /h, the first part of which has already been introduced and which has the bribbit #7. It is again this foreven Brisbois who says, at the bottom of the page: "Some boys between the ages of 12 and 1h that is, about five or six of them were employed by us at the request of their parents, without strict supervision. They only did very little work, suitable to their age, which was more or less a farce in order to enable them to get the same extra rations as the grown-ups. The boys liked being with us and were jolly and gay."

Mr. Jackne, what about the medical care of the foreign workers?
Wes this sufficient?

A. Well, I would like to say a few words about this chapter. Of all the claims of the prosecution in the documents I was most indignant about the affidavit of De Bruyan concerning the medical care in the Hoechst Plant. Certainly, Professor Lautenschalaeger, who was the plant manager, concerned himself with all the tasks and all the work in the most conscientious manner. But, first of all, he was a physician and a human being and, as such, he really did take care of these people. He really did ever thing for the medical care of these people that was humanly possible. He personally checked up to see how his instructions in this respect were carried out and he personally did everything he could for the medical care. He even personally took care of the medical treatment of the foreign workers himself for months when, towards the end of the war, a factory physician was drafted, and he believed that without his personal help something might be overlooked. Fortunately, the specially excellent medical care at Monchast can be proved by documents and please don't be angry with me then I say that whatever De Bruyn says in his affidavit about the medical care is a lie from boginning to and.

- Q. Apart from the plant physicians in the Hoechst plant, beyond the medical care in the plant, mere there also hospitals for special cases?
- a. Yes. Our Torks Clinic was very well appointed and it had all medicines and all medical facilities, but if we believed that outside of it there might be something even better and something more modern, then we sent these patients to those specialized Mospitals. Even in suall matters, people were next to a specialist. Thus, here from the sick card of this DeBruyn, I have some that he went to see a specialist to remove three warts.
- "Le lir. Jackne, this is the medical treatment at Hoschet. Was care also taken to see that accidents were prevented, especially in the case of foreign workers?
- A. Yes. I myself to common with the socidents because the prevention of accidents was ar special bobby and my special field. I was the chairman of the technical commission of the professional association of chardeal industry. In order to understand this bottor I would like to say that in Gormany the enterprises of a cortain branch of industry are combined. These associations have the purpose to prevent industrial accidents as for as possible. They bear the expenses for the cures if such accidents occur and they pay the victim a compensation for his inability to work if this is the result of an accident. The expenses of those professional associations are borne by the anterprises who are Members of this association. I was with the chemical industry of Germany and in this industry I was the circin an of the technical commission. This commission issued the instructions by which accidents were to be prevented. As chairman of this commission I had, of course, to set up a model at Houchst as far as proventing of excidents was concerned. I think I succeeded in doing that in Househat as well as in other Farben plants and in the entire chemical industry of Germany. After the first World Tar, the accidents were reduced to 50% in the entire chemical industry and this figure, during the war, hardly increased despite the large number of foreign workers, even the sh the foreign workers were not femiliar with

the dangers and some were not accustomed to such work altogether. In Hosenst and in Parbon one took special care with the foreign workers. They were given instructions about preventing of medidents in their own language. One instructed them through interpreters continually. The origin of every accident was always expanded and investigated and measures were taken to see that minimal accidents would be prevented in the future. For this tesk special angineers were employed by Parbon. The so-called Security Engineers, and all this resulted in the fact that the percentage of accidents in the unskilled and untrained workers was only very little more than that of the German experienced workers who were familiar with the plant.

- 1. The care taken to see that the foreign morkers were protected against air raids during the ver?
- A. Yos, just as well as Garage rorkers, even though this was much more expensive because we had to provide an air raid shelter for the foreign workers, at their place of ork on the one hand, and frequently also in the place where they ate their meals or where they spont their free time and them, furthernore, in their camps for the night. I sould like to emphasize here that we empressly permitted the foreign workers to use the only air raid bunker which we had finally completed building at the end of the war, even though this was actually prohibited and individual Party members used difficulties for us on this appoint.
 -). Ins something done for the leisure time of the foreign workers?
- A. Yos, in a very generous minner. Apart from their bedrooms, the foreign workers had cortain day rooms in their camps in which there were newspapers and radios. There were libraries; movie performances and theater performances were given. They had their own orchestra for which we provided the instruments. On Sundays, of course, they had an expertunity to go to church. They also could participate in sports.

 'C saw to it that they had the proper equipment?
- Q. Your Honor, a small cornels for what has just been mentioned is in Book 2, page 47, Document [41], which will become Exhibit 45.

that about leave or furlough for foreign workers?

- A. There was leave for foreign workers. Towards the end of the mar, to be sure, at the request of the government agencies this was limited as it was limited for Ger. was. The Hosekst plant did not, however, carry out this blocking of heave very strictly. If any reason could be found to let the people go on leave anyhou, we helped tham. Sometimes, of course, they were cought at the border and were sent back to us.
- Q. Did the foreigners have a tage which was similar to that of the Germans?
- A. Besically, you. There was even a number of eases which were brought to my attention in which foreigners were better off then Germans. That led to objections by the County Labor Front but, nevertheless, we stuck to that because those wages were based on contractual agreements.
- 1. Your Honors, on this I must to introduce a document, Book 2, on page 22, Document [3] which will become Exhibit [46. This is an excellent example of a case in the Roseist plant in which German workers complained that foreign specialists received better pay then the Germans who did the same work in the same department. The welfare do arthough of the Honorist plant, on page 3, on the 28th of Documber 1942, has commented on this in detail and it says, on page 3: "The fact that some foreign workers received more pay than our own workers is not now. Already in pates that he fork has exployed such norms and had to pay higher wages to those people. These differences are due to the fact that the special tariffs provide for higher only in this case. This is not a disadvuntage to the German workers intended by I.G., but it is because of the necessities arising out of the conditions and because of the various scales of skilled workers! tages."

I would like to make a brief reference to a document in Book 3 on page 11. There we find Page 6 of the document which has already been introduced - 195. This is a very interesting example which treats an incident when, after the expitulation, an American officer in the plant examined the conditions of labor.

THE FRESIDENT: It's time for our morning recess. The Tribunal will rise.

(A recess was taken.)

THE LAPSHAL: The Tribunal is again in session.

TR. EFAFT: Er. President, I ask for your permission to have Dr.

Ingler excused from temorrow's session for the preparation of his
defense.

THE PRESIDENT: The request is now granted. You may continue, Dr. Pribilla.

BY IR. PRIBILLA:

Wr. Jachne, how was working discipline handled for the foreign

A Infractions against discipline occurred now and again but against these violations we took stope just as we did against the Gormans. There was no beating or exporal punishment. There was a carefully worked out spates so that punishments could only be noted out after a personal hearing affected to the person concerned in the presence of witnesses, which was conducted by the Social Welfare Department. Their punishment was recommended to the plant manager. This system was an arranged that plant managers frequently conclained that because of the leniont judgement that the Social Welfare Department moted out, the discipline suffered. But we proceeded on a purely objective basis. If, in the course of disputes between foreigners and Gormans, it was found that the Germans were to blane, then the German was punished. That happened frequently.

Record of a directorate meeting in 1944, and the presecution pointed to a passage which says "Against foreigners that don't return from vacation, we must see to it that the SS takes steps." How is that to be understood?

A This record must not be understood to mean that the management conference made that resolution which is written here in the minutes. This passage in the minutes merely means that Gobhardt, who reported about this subject, announced a regulation of the government, according to which the SS is going to take steps against people who don't return from leave and according to which the plants must report to the SS, the

people who didn't return.

Q Your Honors, about the subject matter of working discipline I went to sublit a few documents. First of all from Book 2 on page 26. That is Jachne Document Mumber 32, which will become Exhibit 47. Dis is part of the files of the Hoechet Plant. It is a circular letter by a government agency. They were frequently issued to German plants during wartime. I have submitted a few letters from the government before this already, and in summary I should say about them all that all such letters show in what spirit the authorities dealt with the plants in those times. This letter is a good example to show that it was always the authorities and the Party agencies which recommended sharp measures as is the pecularity of a totalitarian state. On page 2 the president of the Cau Office of German Labor Front and Reich Trustee of Labor complains, and he says expressly, I quote: " The experience in the past weeks has taught us that the plant menagers have not made use in all cases of the educational facilities provided on the orders of the Plenipotentiary for Labor Allocation. The Plenipotentiary for Lator Allocation therefore sees fit to issue severe punitive measures according to paragraph W of Directive Number 13 against plant managers and their essistants who are avoiding this responsibility." On the basis of a few ore decuments I want to show now the tone and the manner of the discipline which was prevalent in the Hoschet Plant. The next document on page 29 is Mumber 33. This will become Exhibit Number 48. Subsequent to this on the next page there is document number 34 which will be given Exhibit Number 49. This shows disciplinary measures against a German who attacked a Polish worker, with the signature of Professor Lautenschlagger. The next document, Jachne Funber 35, which will receive Exhibit Number 50, also shows the objective and just handling of disciplinary power in the Hoechst Plant. It treats a dispute between a Corman and an Italian worker. In the warning which is expressed at the end of this document it is intoresting to see the extreme care that was taken in the Houchst Plant with small

netters. The fact, namely, that this represent was translated into the Italian language and that it was handed to the foreign workers in Formen and in their own language. The next document, Sumber 36, on page 37 of this book, will be given Exhibit Number 5. This again bears the signature of Dr. Lautenschlaeger and expresses the immediate dismissal of a German who had taken money from an Italian. To the same subject belongs, from Book 1 on page 62, Jachne Document Number 21. This is an affidavit of Dr. Franz Spless, which will be given Exhibit Number 52, Jachne Exhibit 52. On page 3 he says: "It may be stated in general that, in Spechat, the policy as I found it and as I continued to conduct it was to get along with as few punishments as possible." From Book 1, again, on page 86, Jauhne Document Number 22, which will be given Exhibit Number 53 — this is an affidavit of Poter Kullmann. He was the chief of the Heachet Flant Police which guarded the factory.

Q Mr. Jackne, you told us about the conditions of the labor employment of foreignors in Southst. You yourself constantly went around in the plant. You now the people at thier work and talked to them. What was the overall impression? Mere these people generally satisfied with their nituation?

A After the people had become accustored to the changed circumstances, when they saw that they were being taken care of, that their requests which they might empress from time to time were complied with as far as possible, they were undoubtedly satisfied with their fate.

I heard them any sometimes that they were better off with us than in their life up to them. Man of them expressed the desire to remain with us after the war. Eastern workers, for instance, didn't want to return to Bussia. Some of the French and Belgians had their wives or other dependents come to join them.

UR. PRIBILIA: In this commoction, I want to offer on page 68 from Volume I Jackne Document 23. This is an affidavit of Josef Ems which will be given Exhibit No. 54. Mr. Ems was the Chief of the Labor Office of the Dyestuffs plant in Hoschat. He says:

"From the index cards about the foreigners working in the plant during the war I saw 300 Belgian cards."

A little further he says: "From these 300 Belgians more than 30 had wives follow them and they were also employed in the plant."

Your Honors, at the end of my question about the treatment of foreign workers in the Hoschat plant I want to deal in a little more detail with the Prosecution's exhibit which contains the main charges and on which the Prosecution based their case. This is Exhibit 1367, Document 11613, the affidavit of DeBruyn. May I ask you whether your Honors have this exhibit so that I do not have to quote from it?

THE PRISITENCE We do not have those books.

IR. PRIBILLA: Very well. Then, perhaps I can quote from it.

Mr. DeBruyn in the first paragraph, first of all, points out under what
horrible circumstances he was brought to Germany. He says in the
roored paragraph:

"On the 20th of June 1943 I was finally marched, guarded by armed constabulary, from the Van Diepen Beekstraat to the main railway station at Antwerp, was put in a train which was also guarded and was brought to lix La Chapelle. In Aix La Chapelle we were marched to a building where the recruiting office and the labor office were accommodated and where we were separated into groups for work in the various factories.

"I and my group were brought to Hoechst to the factory of I.G. Farben.

I remained in Hoechst until March 1945 with the exception of two short intervals during which I worked in the factory of I.G. Farben in Wiesbaden."

In this connection I want to submit from Volume III on page 49, Jachne Document No. 57. That is on page 49 in Book III. This document, Jachne No. 57, will become Jachne Exhibit 55. This is another affidavit of the former and resent Chief of the Labor Office of the Farben plant in

Hoschat. He says on page 2, and I quote:

"The foreign workers coming from the West came on the basis of contracts concluded between I.G. plant Heachst and the individual companies of the respective nationality which in these contracts promised to make available a certain number of workers."

I skip one sentence,

"No kind of coercion was exerted upon these companies. The representatives of these companies were in Germany all the time and also cared for the workers after placing them. We never had the impression that these people had been forced to come here or had been recruited anywhere."

On page 3 be makes detailed statements.

"The Belgian de Bruyn came to the plant on the 22nd of June 1943 as an employee of the Construction firm DeWitt, Anterpen. I still found his payroll and personnel files. I have ascertained that he worked as a carpenter at the plant and was rated as an expert craftsman."

At the end, of the last sentences, he says:

"He was home in his country on vacation several times, altogether 39 workdays, and always returned voluntarily."

The next document in the same book is Jachne Document No. 58
which will become Exhibit No. 56. There Josef Mueller testifies, who
was Chief of the Woodworking Shops in the Parben plant in Hoechst - this
is the shop in which deBruyn worked. I don't want to go into too many
details but at the bottom of the first page he says:

"He (deBruyn) never complained about had food, had working conditions and had accommodations, as far as I heard. It is correct that he was sent to Wiesbaden for a time. However, he did not wish to live in Wiesbaden but went hack to Hoechat each day although the train journey was very tedious and inconvenient. This indicates that he was better pleased with the food and living conditions in Hoechat than in Wiesbaden."

In deBruyn's affidavit, which is 1367 of the Prosecution's exhibits, deBruyn says that in the Hoschst plant approximately 10,000 persons of all nationalities were working. I refer in this connection to Mr. Jachne's

statement according to which the maximum amount of foreign workers was 3,000. He says further:

At the beginning we worked 56 hours, during 6 days of the week and sometimes on Sunday, too. Finally, we worked 12 hours daily during 6 days of the week and also on Sundays.

In that connection I refer to Document 57 on page 49 of Book III where the Chief of the Labor Office in the Farben plant Hoechst says:

"The working hours of foreign workers were the same as for the Germans.

Morking hours were between 53 and 56 hours per week."

On the last page he says ab ut deBruyn:

"Until he left on the 13th of March 1945 he worked altogether 527 working days. In 466 working days, he worked on the average of 39.33 hours. That is on the average of 8 hours and 50 minutes per working day. In addition to his wages he received during this time 694 marks as piece-work remuneration and at the end of the year 1944, a bonus of 20 marks. During the whole time of his exployment he worked only on 3 Sundays but he was absent without leave and without excuse for 27 working days. For 5 days he was sick".

I now again want to refer to the Prosecution's exhibit, deBruyn, on page 2. What was posticularly remarkable in Hoechat was the medical care of the foreigners who were sick. This care was almost brutal so that it was forbidden to be sick because that cost one's life. The German physicians, Jung, Fleischjaeger and Mueller, refused to admit the foreign workers to the medical installations which, however, were organized in a highly modern way. Injured workers did not receive treatment and people had to help themselves with the few means at their disposal.

In that connection I want to offer on page 54 of Volume III Jachne Doubent No. 59 which will become Exhibit 57. This is an affidavit of the Chief Plant Physician of the Hoechst factory, he was been a plant physician since 1921 and he has that position today still. Under Paragraph 1 he says:

"During the war, the foreign workers of the Hoechet works used the care waiting rooms as the Carma workers in the event of illness and were also examined in the same surgeries."

On page 2, second paragraph, he says:

"The first American commandant of the foreigners carp, Major Raddigan, on the occasion of a meeting, confirmed, without being asked, the fact that, according to that he had ascertained, the treatment as well as the therapy in the case of the foreign work re was extremely proper."

From page 4 of this document I now want to quote something. He says about de Bruyn:

"I was still able to find his index card. A photostatic copy of this it'ex card is added to this affidavit as an enclosure. The witness degrays has, according to this card, visited the infirmary not less than brenty times from 22 June 1943 to 7 March 1945 and usually on account of minor ailments, to be treated there, without counting the visits to change bandages, etc."

About the sickness end type of treatment of Mr. deBruyn, I would like to may this:

"On the 27th of January 1944 he said to us that he was living together with a person who had a sore throat, an inflammation of the throat.

How well we cared for the physical welfare of the foreign workers is demonstrated by the fact that we made an immediate throat smear on him for a bacteriological examination.

On 2 February 1944 debruyn paid us a visit again, this time for an infected tooth, upper jaw left, fourth tooth. He was immediately sent to the dentist for expert treatment, just as a short time later, on 13 March 1944, on account of another tooth."

"On 2 December 1944 he came to us suffering from an inflammation of the traches. Hight away he received high grade medicine, namely Eresival, to loosen the externa and Dilected to lots to case the coughing irritation.

Working at our plant but at the firm Eallo at Diobrich, staving every from work there only in order to visit the physician at Hoochst. His four of the physicians at Fouchst seems to have been not very excessive, therefore, for otherwise he could have, if anything, visited a doctor at Biobrich. Our far reaching welfare is further ore testified to by the fact that he at the time was requested to appear immediately for an E-hay examination of his lungs as seen as he worked at the Hoschst plant again.

"On 9 Jamuary 1935 he came to us on secount of warts. The Jerman physician transferred him to a specialist for skin diseases for treatments with high frequency currents. Finally, on 7 werch 1945, at a time when everything was upset already and especially the fereigners had different vertice, he still came to the French physician yet for the treatment of three warts."

In do Bruyn's efficient it neve in the third personant from the end:
"I must edd that at the end of my stav at Parken my weight was
only 48 kilograms."

The plant obraician, Baldus, saws on made 7 of his affidavit: "About the weight of de Brum, the following has to be said:

"On the 23rd of June 1943 when he entered the plant he weighed and his weight amounted to 58.5 kilograms. His weight was not checked after this date because the symptoms of his latter illness gave him no cause for a reduction in weight. The alleged large reduction in weight down to 48 kilograms must, therefore, have occurred after that time and cannot be explained because in the provious 9 months only the exceptionally insignificant reduction of 1.2. kilograms could be noted which might constitute one of the normal variations in weight."

Then the plant physician comments on further assertions of Nr.

Debruvn. He corrects that he fidn't do any unhorithy work. He also rectifies that no hussian prisoners of war were working in the plant; and I believe that I can save myself the details and nearly refer to the case history chart of ar. deBruyn which has been reproduced on page 10 of this affidavit, pages 63 and 64 of Document Book III.

May I rest from page 55 of my book! May I offer Jackine Document
No. 64 which will become Exhibit No. 58? This is another affidevit of the
plant physician with a list about the incidents of death cases among the
foreign workers at the Hoockst plant arranged according to country and
exigin and years. If one compares the total number of foreigners which is
contained in other affidavits with this particular list here, then one
comes to the conclusion, just as the plant physician comes to the conclusion,
that the death cases in Nocchst were lower than the rate of death cases
in Forwary from 1931 to 1936.

Q. Hr. Jackse, was there are order issued in the Reachst elect for the destruction of all documents referring to the allocation of foreign workers?

A. No. Of much an order I don't know anything, according to the best of my recollection. Under no circumstances did the plant management on their own initiative issue such an order. It wouldn't have had any reason to do so because everything that had to do with the assignment of foreign workers in Reachst we could agrees to the light, in accordance with the social welfare tradition of Ferben. An order to destroy such documents could only have commented from the Party or from the Vehrmacht and this order would have had to have been passed on by the counterintalligence agent and not by the clant management. The plant management was certainly not interested in the destruction of these documents. Actually most of those documents are still available today. Perhaps you remember that the Prosecution on this very podium covered the entire table with documents and these were probably the same Reachst documents about foreign

24 March M-JP-10-3-Pringen (Int. Ketz) Court VI Case VIworkers' questions and mobilization plans, the destruction of which is charged to us on enother day. Q. Did you portens issue the order that in the Grieshein plant which was under your jurisdiction documents should be destroyed which dealt with foreign workers? A. No. For what reason should I have done so? Q. Mr. Jackno, we want to leave the subject of foreign workers and turn to a finel subject. DR. PRIBILLA: For the sake of completeness, I want to offer two nore documents from Book II, on prop 40 Jaoine Document No. 39 which will boco to Exhibit No. 59. I don't quoto from this at all. The next document is Jackno Document No. 40, which will become Exhibit Jackna Inhibit 60. Mr. Prosident, if our calculations are correct, this concludes all the documents contrined in my three document books. THE PRESIDENCE That is in accordance with my calculations. I think you are correct. That is correct. Ye have kept check on it ourselves. DE. PEIBILLA: Thank you. Q. Mr. Indine, did the Ecochet plent h vo enviling to do with Ausahwitz? A. No. Q. You were a morber of the Verstaux of Farben, When did you hear for the first time about the construction of the Puna plant in Auschwitzi A. As far as I know, I heard about it in the middle or the end of 1940. I hoard about the order that a fourth Euna plant was to be constructed. The choice of a construction site was very difficult and took a long time. At one time, a site near Breslan was under discussion. Then some other time we heard something about a construction site in Morway. Finally as for as I know, at the beginning of 1941, Ambres for the first time reported to the TEA, the Technical Committee, that the decision had been made for the Auschwitz construction site. 9960

- Q. When did you hear for the first time that concentration camp injectes were employed in Auschritz?
- plant itself, nothing was said at first. Then in april 1941, I believe, inbros reported to the Technical Committee for the first time about fusciwits, he mentioned besides the big advantages which this site offered because of its proximity to the raw material sources as a disadvantage the fact that in that region one could not count on any assistance in the constructions from the existing artisan firms or machine factories. But he said that one could expect, perlange, a cortain amount of assistance from the workshops of a concentration camp hearby.

In my recollection it was not discussed that the impates were to be employed in the minut itself but it was morely discussed that the impates should work in the workshops of their sen comes where they were to constitut prefetated parts such as deers, windows and such like for us.

Then I heard nothin; about Auschritz for quite some time. I don't remember that in charaction with credit applications in the Tochnical Segmittee the assignment of concentration camp impates was ever discussed. From the files here in Murenberg I have seen that in December of 1941 a credit application was unde for the first time — I quote — "for the apparaion and so pletion of the camps for foreign workers and concentration camp impates."

This onto, as I found out here, has already been constructed previously for foreign workers. These foreign workers did not arrive however. When the credit modification for the completion of the camp was submitted to the Technical Committee, in December 1942, the camp was already occurred. This was done, as we have heard here, as early as October or Sentember 1941.

24 Mar. 48-44-3J-11-1-Stewart-(Katz)-Court 6 case 6

That was another dasa as I described it in connection with the position of the Technical Condition. The authorities made a certain issue, a certain regulation and the TEA was informed of it subsequently.

Q Fid you yourself ever visit the Auschwitz Plant during its construction and if so for what reason did you do so, and in what expecity did you do so?

A Yer, I did. I was the Chairman of the Technical Commission, the TEKO. It was the aractice of the Technical Commission to hold its meeting at various places, and these places were to be selected with a view to inspecting the new plant or new factories. Thus we went to Upper Silegia, as far as I remember, for the first time in October, 1902.

At that time our meeting was held in Gleiwitz, for in Auschmitz itself there was no facilities nor accommodation for helding any meeting. The Fechnical Corrission cade an inspection of the construction site which lested perhaps one or two hours. I do not remember that I saw any concentration complimates on that occasion. I believe they were not even there yet at that time. The second time was in August, 1943. As the chairman of the Technical Commission I was to settle a dispute about the supply of electric current. As far as I remember the dispute was between auschwitz and another plant, Blochhammer, I believe. Since I had very little time as usual, I just sottled this affair than I spoke briefly to my son who was working thems, and then left again.

The last time the Technical Commission mut in auschwitz in april 1914. By now a few technical plants has already been completed there. The Technical Commission inspected these plants. I believe we spent half a day doing this. I myself, of course, interested myself in the beilerhouse, which was under the jurisdiction of my son. There a number of boilers which has not been frequently used in Farben up to that time and it was interesting for me to see the various boilers in their various construction states, from the completed boilers down to the first beginnings of the fundamentals, and the amsonry work. There inmates of the concentration camp were employed.

9962

24 mar. h8-M-GJ-11-2-Stewart-Court 6 case 6 .

I could see that from their striped uniforms. I could not see that these irmates were employed in any different way from other workers. I know that noswhere did I see beatings, not unything conspicuous or unusual in any way.

I fou remember that large charts about Auschwitz that was displayed here; during your sivit did you inspect the camp Monowitz besides the plant its-01?

A No, in my affidavit given to the Prosecution, Exhibit 246 Document NT 5268, it is stated erroncously that in 1963, I had inspected the cook houses, the kitchen and barracks for concentration camp intentes. At that the during my interrogation I stated immediately that that was an error, for the camp that I visited was a camp housing foreign workers. On the chart that was displayed here I recognized it very well. It was submitted to theleft of the entrance of the plant. It was quite elect to me when I was into progating at the time, where it was mituated for the people who were working in this camp did not wear stripted uniforms.

A "Entheran of Farben whom I know accompanied me. At the gate there were no gaards; there were no formalities to be complied with in order to gain entrance to the cump and to again leave the camp. The sentence according to which I had inspected the concentration camp Monowitz has remained in the afficient due to an error. It is true that I pointed this arror out to the interrelator at the time, but he was of the epinion that the subject nature that followed this sentence would clarify this particular sentence. Afterwards the interrogator and I forgot it, because this interrogator made the record of the interrogation quite properly and correctly otherwise.

Q Luring your visit at Auschwitz did you hear anything about gassings?

A No, not in Auschwitz itself. The Prosecution, of course, asked me about this matter also, and gradually I began to recollect that possibly in the sleeping car in which I travelled to Auschwitz,

shortly before we came into Auschwitz, I geard a rumor, - one heard all sorts of remore at that time, I believe that a number of the police with whom I shared my compartment in the sleeping car, told me shortly before we pulled into Auschwitz that 30,000 inmates were housed there, and that talked about gassings of those prople. I could not believe that. The man seemed not very credible, because he spoke of a comp housing 00,000 impatus, and I had never such a large camp. After all, that is the size of a medium town. I could not see much a large camp anythers. For that reason, I also did not believe his story about gassings At that time one board all sorts of remore in Germany whisporings were thout, and if one investigated those affairs, and found out suscessive factinite, very frequently one found it was all incorrect. But rescatelans the question did not permit me to rout, though one could be rulk about this matter openly, with anybody. In private I directed this matter later with "refessor Lautenschigeger, and asked him morther he had heard morthing about it. He enswored that. in the meastire.

a while, whether he know anything about it?

A As I have thready told the interrogator, during my interrogation, to the best of my recollection I asked my son in private. I do not remember whether that was already then or, pointps at a later time. As far as I remember he told me that wild remore were about in that vicinity but that asbedy knew anything definite. It was curtain, he said, that the work in industry, and particularly the work with Farban was an alleviation of the rate of the imputes of the SS camps.

- Q You know nothing else about this?
- A Mo.
- Ar. Suchus, have you anything to say in summary to what you have already stated, or to the charges raised by the Prosecution?

2h Mar.ht-1.-uJ-11-h-Stewart-Court 6 case 6

I have heard very much here that I did not know before, and I thought about averything, of course. I reflected, after serious search of my conscioned, I can state about the charges of the Proscoution that I always acted in accordance with my spirit of freedom and in accordance with my being a citizen of the world, and I maintained my attitude consistently during the entire time of the Maxi regime, and during the war. I helped the victims of those times, and helped them wherever I could. During the war I neted as any other man in industry in any other country of the world acted, or had to act, and I must add that I acted the way any industrialist will act of a Third World War break out, which Jod should prevent.

If I look at the charges of the Prospection, then I can only shake my head and as a sober person, which I am, as a technical mun, I can only say that these charges are for removed from the reality of the normal events of our daily life as we saw them at the time.'

OR. PRIEDLA: ir. President, this concludes my direct examination of the defendant frame, as a mitness on his behalf. In my capacity as Defense Coursel for the co-defendant Leutenschleuger, I have to and a few more questions of Dr. Jachne. Mr. Jachne, who is in his 69th year, told me that he was very tired, and I should ask Your Honors indulgence for a recess of about 5 or 6 minutes. Then I should be in a position to continue until the normally recess and to finish all of the questions that I have.

THE TRESIDENT: Very well. We will rise for a short recess, and will you please tall the Marshal when you are ready.

(Tribunal in recess for five minutes.)

(after Recess)

TRI .RSH.I: The Tribunal is egain in session. BY DR. .AUTHL:

- Lautensohl ager whom I represent, I and to sak you an addition I mestion bout the credit applications that were discussed in the technical committee for suschwitz, and if I heard you correctly, you said, "19/10". ere you not mistaken about that year?
 - .. Tex, it should have been 1942.
- . I. Joehne, you worked in the Ecechet Plant together with Professor L. utenschlaeger. Please tell me exactly whether .r. I. utenschlager was your superior, whether he held equal rank with you, or what the relationship was between you?
- bornted in a very friendly way; we were jointly in charge of the plant and of the plant combine. He was the Chief, and I was his Jeputy. On the other band, however, I myself was a member of the Vorsa nd and had my special tasks in the technical field. In this perticular field lautensobleger was responsible for the pharmaceutical department, and I for the technical field. I was quite independent from him as a member of the Vorstand, but as I said, the entire relationship was not expressed that glastly because to never had any differences of opinion bout the management. In the technical field we worked independently.
- Tor What period of time did you work together with Professor
- . You said that from 1932 to 1945 you collaborated with him. Can one say that during this time you were together with him, every day?
 - .. This applied to the week lays, generally.

him heat from all of his associates. I want to request you briskly to describe his character, his profession I capacity, and his general human outlities.

The some for his studies he had to earn himself. He was not a Sandian; he was not green who does not aske friends easily. Professor lautenacht that was a typical representative of this type of parson. He was melanoholic. He was hard to approve, but once one had aske his closer accountaince, that corses was lapply impressed by his olaracter and human pulities, especially about the true geoiness of his heart.

ness of his Suty. In his work he was completely absorbed, by his work not by science. To forgot everything teach the exception of these must justs. Fort to his work in the plant he gave lectures at the University of Franciurt, without charge. Thus he hardly had a minute of wron time. No had no social contects. His only recreation was a concert with good made now and again.

- . .r. Jeshne, what was the attitude of Professor Lautenschlager toward the Third Reich, according to your observation, and toward the power and her reliev of Ritler?
- He was too much of a scientist, and mes too closely allied with schontists aroundle over the world. With the remedies, the cures that he invented, he manted to help all the peoples of the world.

- . That was Prof. Lastenschizespris attitude towards the workers, and particularly towards the fereign porkers, in the Housent plant?
- A. For the outsider which attached was not ensity discordible, for an did not consider popularity very important. He under hereal deareds in hisself and he thought that everybody should be the war he was. But because of the true goodness of his heart he always cared for those persons for whose welfare in thought he was responsible, and he did was particularly for the foreign morner because he know that they nothed ears particularly. For that remain many suggestions to give some joy to those people or muted from his personally. The fact that the foreign workers were traited the say it has been described by me was the personal norit of Fref. Leutenschlanger.
- G. Mr. Jackso, are you infor ad about the mork in the field of medicines, remains, and particularly the testing of these remains on hours in clinics and so ent
- w. I didn't inform In f. Largessellanger cither about pertain work that I had my physicians conduct in the laboratory. Thether my burbland ran with diften impered constions per minute or three thousand retations per minute—on didn't worry shout this.
- . Mr. Jackso, you ward the charges with the Prosecution reised to that Lautenschlagger in this radical field. From your knowledge of his person, went you in a painting about this raticular field?
- ... From my our observation I can only at that the charges are disnotrically opposed to the facts what I saw almost every day, how he loted as a hacen being and as a physician.

Dod knows that as a leader of the enterprise and as the chief of the pharmacoutical department in the war, he didn't have a minute's page during the war. In the morning he was among the earliest to wise, and he went every with the last people in the evening. Nevertholess, he still was the physicians for the foreigners at night if he believed that the glant physicians could not handle the situation alone. 2 Ing 48-13-2-1-add-Scines (N -s)

I remarker that when I so this come from the surgery in the surgery in the same one time I told him, "You look fatigued," and he sprely replied: "You, there was much to do. "I had nine births by Russian women."

He didn't aske much noise short such sork and nobedy sorrd about it. It was a matter of course for him. But these ever-experiens websity undermined his health.

- in the Japan, did you wake my observations about the flet whether, during the collapse, Prof. Lautemocks ager destroyed documents of the part or whether in had other weaks distrog such documents?
- a. Bo; on the contrary, elter the collapse, when the first american investigating officers of a so Section, he called together all the department emicis of the Flux and addressed them in serious terms, telling them that it was their outy to show everything openly and not to tay to concern mathing in the way. I know that some of our people during these tense, critical times did not see this with all sure. They have not inclined to de this. But Prof. Leutenschlunger insisted with all his energy that they disclose all information.

I know that the Artrica Dajor Fill y, the conducted those investigations at the time commanded him for this mation, and that he stated that he albeen in Machet; nowhere and he been supported with such openness.

1. Mr. Jacker, as you can set from the files and from our own an invation, Mr. Lautensekhogar rade cartain statements in various flidarits that he gave to the Proscention that some a little unclear. To said that he released the capicarant of foreign versors; the he had known that they had one by foreign and furthernore he made the definite statement that forty per cont of all production in Mecchet was arrespont reduction.

Note, we have talked about this in such detail. How can you explain these statements?

A. I believe it is my drift to point out that the exaggerated consciencessness of Prof. Lambenschlanger after the collapse almost took Pithological proportions. Then, after the occupation of the plant, Prof.

Louisenschlanger was recoved from the position by the Americans, he was completely confused. He completed to me that he had spent the years of an entire generation; he had done his duty and was now infamously dismissed. When I saw him again I was distressed. I was shaken by his physical appearance and his condition. I was able to observe his complete collapse when he was told about the death of his sen when the trial opened here. He could not get to see him any more, despite all efforts, and from this senent on this situation become more and core aggravated.

commination cody dealt not only with your own case, in many cases, but also for the question of Prof. Lantenschlager, to the extent that you worked together in the plant. For that reason I should be grateful to you if, at the end now, you could summarize for the Tribunal, for the Prosecution, and for us, what fields from the entire indistant in regard to the Roschst plant you were in charge of together with Prof. Lautenschlager, and that would also give us an indication as to what questions one should treat with you, since I cannot expect Prof. Lautenschlager to testify about them the way things are.

Could you ploase summerise this briefly, at the end?

A. About all fields dealing with general problems of the management in Hoochst, social welfare of the torkers, including the foreign workers, about mobilisation and air raid procaution problems, the quastions of the over-all productions—I know myself. In the medical field and in the pharmaceutical work, I am not informed in detail.

DR. F. IBILLA: Mr. President, I have reached the end of my examination. I have submitted all documents, as far as I have them available. I assume that Your Honors will permit me to put in a few documents that are still outstanding, at a later time, within the proper deadling.

There are only a few more affidavits concerned that I have not get received.

THE FRESIDENT: Very woll, That will be permitted under the circumstances.

That is the pleasure of other counsel for defindants relative to the interrogation of this defendant? Hight I have an indication by your hands as to the number of you that expect to ask some questions?... (One defence counsel raises his hand). Only one?

Dd. FRIBILLA: Dr. President: I hear that one or two more Defense counsel-Mr. Peleksenn, for instance-have each three or four questions to put to Mr. Jachne. I believe that fifteen or twenty minutes would be consumed by this.

THE PRESIDENT: Very well.

JUDGE REERT: Counsel, may I ask you a question? With reference to the affirmt DoBraym who was referred to in the testimony this morning, could you tell me what the status is in regard to cross-examination of that affirmt? I don't recall that he appeared before the Tribumal, and I would just like to know whether he was produced for cross-exemination whether it is pleaned to produce him for cross-exemination.

OR. PRIBILLA: No, Judge Mobert, I mived the cross-exchination of this affiant and I and anvered to refute his testimony by contrary cylidence.

JUDGE HEERT: Yos, I understand. Thank you.

THE PRESIDENT: We will not ask counsel for the Defense to start on the questioning of this matress until after lunch.

The Tribunal will now rise until one thirty.

(The Tribunal recessed until 1330 hours, 25 Enreh, 1942)

(The Tribunal reconvened at 1330 hours, 2h March, 19h8.)
THE MARSHAL: The Tribunal is again in session.

The Tribunal has today entered an order, the substance of which is that until the further order of the Tribunal all testimony to be taken pursuant to the order of the 26th of February shallbe before Johnson T Crowford, instead of Mr. Mulroy. Will counsel who have concern about the matter of the cross-examination of witnesses please take that into account in arranging your dates with the counseloner in the future?

This order will stand until the further order of the Tribunal.

ir. Mulroy will continue in the capacity of a commissioner, but we request that he be temperarily supplanted by Judge Crawford so as not to interfere with Mr. Mulroy's regular assignment.

LR. SPINCHUR: If it please the Tribunal, there is one matter outstanding which might perhaps be partly, or entirely, cleared up by a brief interruption at this time.

THE MESTRETT: Very well.

iff. SPACCIME: On the 11th and 12th of Nerch-that is, Thrusday and Friday—the defense witness Karl Braus (B-r-a-u-s) was examined and partly cross-examined. During the cross-examination, at the request of the President of the Tribunal, the Presecution interrupted its cross-examination until certain interrogations of the witness Karl Braus by the Presecution's interrogator, Benvenute von Halle, could be introduced.

I have those here, and the shortly, to introduce them in evidence.

The affidavit of Karl Braus which he signed under oath to the Presocution is in evidence as Presecution Exhibit 1994.

Now, two different Defense counsel made notions to strike that affidavit from evidence because of certain statements which Karl Braus

Now, two different Defense counsel made motions to strike that affidavit from evidence because of certain statements which Karl Braus made on the mitness stand. Since the Prosecution feels that this question of alleged duress, semutimes called psychological duress, here has been raised in a number of circumstances which are proven quite unusual once the facts have been known. And since the Tribunal must decide whether or not any further action is necessary in this matter after we have introduced those matters, this afternoon, the Prosecution has gone to some pains to bring out the facts of this matter in a way which is unmistakable and, we believe, quite adequate, and in a manner which should save some time.

Now, firstly, there are five interrogations. Copies of each of these five interrogations of Earl Braus by Benvenute Ven Halle in the German language have already, several days ago, been given to Defense counsel. I would now like to offer each of these interrogations in evidence.

The first interrogation is NI-11/721, and will become Prosecution Exhibit 2014. The second interrogation is NI-11/722, and will become Prosecution Tribit 2015.—

THE PLESTED IT: Just a moment-

IR. SECCION: Hore is an extra English copy, in case Your Honor's book was immed. I am sorry... Is that all right?

THE MESSIETT: Yes. Now, that HI-14723 --

BR. SPREMILE: No, Your Honor, the second interrogation is NI-14722.

THE FRESIDENT: I now have two copies of NI-17423, but yet I den't have a "22". Now I do have.

IR. SIRECHER: I bog your pardon, Your Monor.

THE MESSIDEMY: That is all right, That is Exhibit 2045.

IR. SANCHER: Yes, sir.

THE THESTDERT: Thank you.

IR. SPRICHER: The third interrogation is NI-11/23, and will become Presecution Exhibit 2016. The fourth interrogation is NI-11/21, and will become Presecution Exhibit 2017. The fifth interrogation, NI-11/725, will become Presecution Exhibit 2018.

The Tribunal is asked to notice that those five interrogations took place over a period of four days and that they are relatively short. On the 21st of August, 1947, two interrogations were conducted, and one interrogation each was conducted on the 19th, the 20th, and the 22nd of August.

Now, secondly, the Prosecution would like to offer in evidence NI-14726, which will become Prosecution Trhibit 2049. This is an affidavit by ir. Benvenute von Halle, the interrogator who interrogated Karl Brews. The relationship which actually prevailed between the interrogator and the witness Braws is of course best illustrated by the interrogations themselves, but we do think that this affidavit of his. von Halle's, and particularly the matter which led to the attachments thereto, will be of interest to Your Henors.

Now, thirdly, we would like to introduce an affidavit of the German court reporter, less Heroff (N-o-r-o-f-f), HI-lb727, as Presecution Exhibit 2050. This is an affidavit of the court reporter who actually took the interrogations in the German language.

Now, fourthly, we have propared a table to assist the Tribunal in evaluating more readily the allegations with respect to the nature of these interrogations and as to the manner in which the Prosecution's representatives draw up a number of admissions which have been given by Karl Braus and put them into an affidavit which he later myised in some desema of cases, as Mr. von Malle's affidavit shows.

This table contains in the left-hand column the paragraph from the affidavit. In the right-hand column there are the questions and answers which bear most pertinently to the admissions given in the afridavit. Now, actually that latter tabulation is only a mathematical or machanical assistance to the Court, but we would like to have it put in evidence, if we may, because it does show very graphically this whele question. And if that may go in as Presocution Exhibit 2051, I think it would help Your Honors.

THE RESIDENT: Perhaps you had better verify for the record that that is NI-10929.-

11. SPEECHER: No. Your Honor, it is concurring the Barus affidavit which is NI-10929.

THE THE DESTRUCT: Yes, yes.

in. SITICIEM: Since this is not a contemporaneous document and since this is not on affidavit, it is merely atable, I think we can only describe it as Presecution Exhibit 2051.

THE SUCSIDE IT: Thank you.

iR. SERBOIEM: Now we ask that you do study the actual interrogations the solves very diligently. We believe that the professional standards which have been observed in our investigation work will actually be indicated by this case which the Defense has raised. We are very proud, for our part, to stand upon this very cold and clear record of the whole offer.

Now, with respect to the further cross-examination of the witness Kerl Braus, it seems to us that the record which is now before Your Honors leaves little to be desired on our part. The lengthy interregations which we have been obliged to process and bring to you are, in our view, the best impeachment of this witness, and under the circumstances to request that he be recalled to the stand, either before this Tribunal or before the Commissioner, is, from our point of view, uttorly and completely superfluous. However, we leave the matter at the discretion of the Tribunal. We will be glad to participate in any way.

THE PRESIDENT: This involves quite a mass of documents, and we will ask the counsel for the Dofense that are interested in it to study the documents, and if there is any further necessity for calling it to the attention of the Tribunal again, that may be done.

IR. STRECHER: Just one further matter. Of course the affidevit of Karl Braus which we did introduce in cross-exemination we introduce for the content of the affidavit, although it does go by way of imposedment to his direct testiment.

THE PRESIDENT: Vory woll.

DIRECT EXAMINATION (Continued)

BY DR. 1 Tr Feath (Counsel for defendant von Knierien):

w hr. Jackne, you will recall that you made out an affidavit. This is Exhibit 256 of the Prosecution; it is NI-5168 and is in Book 78. Under paragraph 18, on page 103, you say the following, I quote:

"Dr. von Knierien, before making mry contract, had to be asked for his approved of such a contract. He treated the American controots himself.

Now, I would like to ask you how you meant those sentences. First of all, I would like to repeat the first sentence-"Before every contract, Dr. Knieri an had to be asked for his approval." Will you plons: c.rment on that?

A Ty answer to that is not correct. Dr. von Knieriem did get every comment, but not in order to approve it because in each larger plant we had our Patent Department and this department handled the contracts and licenses which we had to issue in every single plant. Since that are anted to a lot and the individual plant, could not always known whether this contract might not perhaps collide with another contract entered into by another plant, this contract went to Ludwigshaien to the Central Contract Department, and this department did not have to mass any judgment on it or a prove it but it merely examined it whether it conflicted with other contracts. That is what I meant.

Q Do you main-pardon me one moment, please. And this agency in Ludwigshafen was called the Central Department for Contracts?

6 Tis.

And now the second sentence please, the second question. Y u said that he handled the American contracts himself.

A Mo, that is not correct. I remember at that time the large Standard Oil contracts. As for the other also very numerous contracts

In view of your special experience, I would like to ask you what impression you had of the Auschmitz Farben plant, as far as the technical and social aspects are concerned.

A First of all, I want to emphasize what struck me particularly The Tachmical Cormission, during the days when we inspected Auschwitz, also inspected the plant at Heydebreck, which belonged to Farben, and the Blockhammer Works, which belonged to the Upper Silesian Mining Industry. The main differences I will give you very briefly. Faydebreck was a plant which Dr. Lueller-Conradi didn't think too much of with report to its anginuers. At anymate, he said, "We will only build production plants. As for the other general facilities, that is, I mean the hind that the engineers like, we will postpone that." I warned him at that time. Gradually the plant became larger, and now they o ulen't : any longer without these general engineering installations. I'm thuy had to eatch up with them. In consequence, at the building there were a worst buildings the way Mueller-Conradi wanted them. But, apart from the ready construction, they started to construct the general installations. The result was that these installations which mere to be built first had to be hurried up so that, finally production could be taken up. Now comes the Blechharmer Works. This was not a forben plant. In blockhommer, when one first arrived there, one was impresen by the fine, beautifully accomplished buildings. "t had been accomplished very quickly. But there were still the open ditches for prear supply, cables, etc., and all this impeded the transportation of the parts for the buildings.

here again one felt this-as a men who had to deal with such matters—harrying at some places. "We first have to take care of this."

Here were the ditches. Then the spare parts had to be transported perces the ditches.

On the other hand, in Auschwitz I was glad to see that here there was an engineer responsible with backbone because he certainly was tale-"Look at the nice buildings in Heydebrack. How fast they were displaced." But he would not be murried. He organized the a astruction properly, and one could see that there were no more open ditches, or terhaps in a few individual places where some little work was to be done. But, otherwise, it went according to plan.

I have described that this morning. I was in the boiler room. There were hellers in all stages of construction. They saw to it that the parts which were medded first were available first so that the transport later was not impeded.

of course, at the top engineers, they had to hurry because they had to pay attention. But further down the line it was absolutely peaceful, and securing to plan.

In auschwitz I saw the construction site in Oppor Silesia which was carried out with the most organization and without any duplication of work.

Inv, Dr. Joshne, you have described the work in a technical sense. What observations did you make in a social aspect, as far as the treatment of workers is concerned—accompositing and feeding them?

can always and testify about those things which I saw myself and which I heard or saw myself during the inspection. But I can say what I did not see. I never sew that enyone was besten or distreated. I did not see any wounded people lying on the streets. To the contrary, in the boilerhouse where my son was—of course, you can imagine that I spant some time with him because every father is interested in what his sam is doing—there I saw the insates doing the same work as was being done by Do wans. I don't know whether I would take up too much time if I told a detail which I just recall, because I went into the electric installation. I went in: the thing was not under high tension. The warning shield was on the door. I asked my son, "What about this?"

"Well", he said "We have immates here. They like to smoke. "ore and there there is an SS-Coptrol, so that they do not go in there because that is there the invates go when they want to smoke so that they are not disturbed. That is why we put that warming sign about high tension. That is how thinhs looked there.

What impression did you have of the immates in respect of their health?

Was it such a way that one could not expect any work from them? Or did you gain the impression that they could well be used for work there?

- a I must say that in general they looked better than the German workers today. As for the work that I mak, they could very will be used. Of course, people under such depressing circumstances who had their liberty taken away from these did not look very happy and we don't either hore. But that one expected very heavy work from them I didn't gain that impression.
- there was a system of driving the workers on. You told about the technical organization, the various stapes. Now, I ask you: "as there may necessity for having such a system of driving workers on?
- A Lell, according to my judgment as an engineer, it did not.

 It occurs to me that they always said that when cement was being unloaded but I didn't see it. But I did see that one had a complete mechanical installation there in order to get the cement shipped to the proper places. One did not get the cement anymore in bags later on.

and it might have happened in this case, something which I did not see upsulf, but it is an explanation. The train which arrived piled up the eccent but did bot arrive regularly. It can be that sometimes they said, whill, the cement is missing. Let us see whether we can get it." But this is no observation of my own.

- Way of feeling, sid mu show you special thinks in the boiler house, or did you have the possibility of grane with the members of the Technical Commission to go to the plant whenever you pleased?
- A hell, my God, they did not show us any window dressing in Ferban; and it would not have done any good in my case because I would have lawned at it. I have been in the chemical field for twenty-five or forty years. I would have laughed if they had tried to put scaething over on me.

- . In these three inspections, did you in any respect have the impression or the feeling that here in a technical respect or a social respect and the might be out of order; that perhaps this might cause you to interfere:
- A. I really did not have that, she so understand that I has joined the Party and use I followed my conscience, and I thought to agents, "There is no use to run your head against the mall." But I felt the obligation to help much I could help. Outside I couldn't help myone. But In the Tarten plant, there I could help. And you may believe me, if I had seen paints, then as one says, there would have been held to may.
 - . I have no further questions.

THE F _ INCT: warthing further from the defense?

The sek you, is it presitted at this point to object against the documents which have been just introduced by the presecution? This is Exhibit 2, O512.

chijection; only it is just a matter now of procedure as to whether or not we should in it now or at a later time. But you will be given an apportunit, him I suggest that if it is agreeable to you and if there is no particular reason way you should do it now, that we let it pass over for a little time and take that up a little later. Is that agreeable?

DR. No. ... W: Your Honor, I did must to go on an official trip, on a business trip, and perhaps I my and that Lary be able to do it . Iter the three o'clock recess?

THE POLITIES Very well. You long will you be gone, doctor? Then will you be books will you be several days?

OR. WOT . W: I will return on Friday.

S. SINCHER: It would be satisfactory to us to wait until the first day ofter the Easter recess when all defense counsel, including Dr. Foffmann, will have time. In connection with the document to which objection his been made, I can only say this: we would be very glid to have

the defence the a similar collation between the afficient and the statements of the interrogation if they think they thereby can show semething infferent them to have shown.

THE FLESTMENT: Le will not bother about this now, but it may well be that some other defense counsel on the study of the documents may have something to say. The Tribusel will bey the matter aside, Dr. Moffmenn, and when you return and we get back from our Easter vacation is will take it up and we will dispose of it.

this defend at: Since there is not, the prosecution may cross emanine.

Choss STA TIL TICK

BY R. STELLT

which I so I inediately handle pertains to slave labor, and I think it will not the more than 45 minutes to one hour. In machin will follow me with for vestions on spolistion on the aggressive var count Mo.

1. In which talks we that he will the from 15 to 20 minutes. I would like or the information of the imbunel to state that most of my west as well to were short ensures.

other things, it was the function of the TEAC to pass on credits for the creetion of buts for foreign works, a that right?

A. Ver.

Q. I'm, you were also responsible for personnel matters t the Griesheid- wtogen plant, is that right?

were denisted a on by the director. Only very important matters were referred to as from Griesheim-Autogen.

sible for the determination of policy on personnel matters in the Grissheim-autogen plant?

9983

- to the L m of a tional labor.
 - . Jo hat more your responsibilities then at Gricshein- utogen?
- Vorsten's for the production success of this plant.
- for foreign workers, would you tell us please than the TENO first considered and emproved credits for the housing of vestern workers; that is to say, workers from France and Bolgium, and so on?
- ... First, I must say I don't remamber such a date, but if you show me something which would refresh my memory, I would gladly tell you. Secondly, we didn't provide housing separately for French and Balgium nowhers, but it said that foreign workers were coming and then we saw to it that they would be accommodated.
- the Tribunal, if you can't tell us a definite date I don't expect that; as of January 21, 1940 or January 21, 1939; but surely you can tell us approximately than the TETO first approved credits for the housing of postern morners. Do you recall whether it was in 1939? The it in 1940?
 - .. It was not in 1939 mer 1940 to my recollection; it was 1 ter.
 - . Wil, would you say it was in 1941?
 - n. I do not know.
- recall that the TENC first approved credits for the bousing of foreign workers, that is, all categories of foreign workers?
 - n. I just told you I don't remember; I don't know.
- . Surpose I show you Exhibit 1550, Prosecution's Exhibit 1550,
 which is II-11411-... This snows that Ferben was already caploying approximately 10,000 toreigners in January of 1941. Now, are Jachne, does
 that help you come to some reasonable determination as to when the TENO
 first acted upon credits for foreign workers, that is to say, the housing
 of foreign workers?

 9984

don't know approximately when the TANC approved or had passed through
its hands the first credit for the housing of foreign workers? That is
your lustimony, is it; you don't know?

- had to think about enough things. I just don't know.
- . Now, Mr. Jachne, I want to make this perfectly clear. It isn't my function and it isn't my surpose to harass you. I am going to eak you the cuestions as simply as I can and you can answer them as simply a you know how. If you don't know, simply say no. Now, ir. Jachne, then did it come to your attention that the westerners, that is to say, the people from France and Selgium, came to Germany involuntarily?
- ... This came to my attention when in Germany too the 1. w for compulsor 1 bor service was introduced, and when I heard that in France too the then legal government decreed a type of labor conscription, and that on the basis of these obligations of the French Government such verkers were acquired.

Q Now, there's been considerable discussion about Prosecution's Exhibit 1319, NI-4693, which is in Document Book 68, English page 31 and German 31. That is a meeting of the TEXO in which it was reported by ongineer Riess that concerning this training school in Burssels, that the Belgians fled before they could be transported to Germany. Do you recall that?

A Yes, I recall that.

2 Now, Mr. Jachne, I would like to ask you wasn't that a protty clear indication that the Belgians, or at least certaintly a portion of them, were coming to Germany involuntarily and to work for Farben specifically?

A No, this was a sign of something entirely different. Those people got their full wages and were very well trained. During this period, nothing happened to them in their own country because the German said, "The people are going to Germany." They had voluntarily signed a contract to go to Germany after their training had been completed. They evaded the carrying out of this contract after they had been trained.

They had earned sufficiently by them and they could do something by themsolved history going to Germany.

O In other words your testimony is that they complied with the contract up until the time that they were to be transported to Germany?

A As long as they received samething, they stayed; but when they had to do something, they left.

Q And that doing something was being transported to Germany? Is that what you mean?

A list brought to Germany; they had concluded a contract voluntarily to go to Germany.

Q In other words, it's your testimony that even these workers, these of them who came, came voluntarily

A Yes, of course.

Q How in connection with this document, Mr. Jachne, I would like

also to refer you to our own Exhibit 24, which is in your Book III, and ourselably to page 39 of the Emplish copy of the Document Book III. Do you have your Document Book III there?

A Tes.

- a pproximately on Page 38 or 39 of the German copy Exhibit 24.
 - A Tos, this is the afficient of Binsler.
- A Now, I am referring specifically to the top of Page 9, and therein it says that, "Costs" talking about this particular training school "here paid by Filmfebrik Wolfen. The firm Swannet & Francois, Antwerp, Greeto Warkt LO, is the a destrator." New also in connection, Mr. Jachne, with this mass of Swannet & Francois, you will perhaps recall that this mass of Swannet & Francois, you will perhaps recall that this mass appeared several times in Professor Krauch's document book and was given in a list of the so-celled firms through which Gobochem secured workers: specifically in Krauch's Document Schibit 55, Krauch Document 502 in Krauch Book III New Mr. Jachne, I want to ask you again, did you know that this so-celled firm plan of amploying workers through such foreign that this so-celled firm plan of amploying workers through such foreign one concerned? Did you know that?

A Ma, I never knew that. In my conviction, this wasn't that way. These were voluntary people.

In this connection, I now show you Prosecution Document NI-14689, which will become Prosecution Exhibit 2052. This is a certified copy, in. Jackson, of the judgment and decision in the case of the Bolgian Military Court of Antwerp against Swannot & Francois individually and the Swannet & Francois Company. I specifically direct yours and the Tribunal's attention to Page 4 under the heading Decision. About two sentences down from the top of the second paragraph, I quote from the decision:

Withoreas in total warfare the supplying of the enemy with skilled workers, such as it has been done, actually constitutes the supplying of useful 'personnel' in the meaning of Article 115 of the Penal Code (amended version dated 25 May, Article 1):

9988

Whereas, by the way, the work in question was not voluntarily in the full menning of this term, because the workers had to sign a contract thing from up with the energy so closely that the defendants themselves had to intervene in order to warn some of them of prospective measures to be taken by the field Police or other police sutherities, when these workers refused to return to Germany.

I also respectively refer to the bottom of Page 5, top of Page 6, wherein the court deals res both the aforementioned defendants guilty and sinteness Prancels to 15 years of hard labor and Swannet to 20 years of hard labor and dealers escheeted to the treasury the sum of 450,921,419 Bolgica fraces, being the amount involved in the criminal activities of the defendants,

Now I ask you, Mr. Jachna , after seeing this, would you still be of the same opinion that these workers who came to Garmany through the Gebechem, through the —

prioty of the question as to just one or two things; either he knows about this judgment and knows the facts, or else the judgment speaks for itself as a determination. The objection is sustained on that. You need not answer.

IR. STREET: Thank you, your Honor, I think you are entirely right. BY IR. STREET:

Q là. Jachne you in the works combine had the policy of informing the SS when foreigners did not return from leave, did you not?

A No.

Q I show you Document WI-1163h, which may be marked as Prosecution Exhibit 2053. This, as you will note, Mr. Jachne, is a letter to the labor office and the subject is: Breach of Employment Contract by Dutch Nationals, and the letter reference is: Letter from I.G. Farben Industry, Frankfurt-Orioskoim, of 11 March 19hh. New does this refresh your memory as to any macsures that might have been taken?

A Well, I am not a lawyer. I just can't tell you that off-hand. To does not refresh my memory because, first of all, this is a letter of the chemical plant Gricsheim, with which I had nothing to do; secondly, this is an individual case. How one can speak of Farben policy, I cannot figure out as a man with common sense; at least one does not do that in technology. Thirdly, may I add sempthing, please,?

Q do chead.

A Will you plause permit no? Thirdly, there was an order — and.

I know this from Rosshet — to denounce foreign workers to the Gestape

who did not raturn, but this has not the slightest to do with the policy
of Farken.

A I simply asked you, Ir. Jachne, whether or not it was the policy a t Hoechat to report to the SS or the Gestapo, if you want to ocal it the Gestapo, when foreigners did not return from their leave.

A Mell, there is a lot implied in this, because "policy" means intention and we only showed the intention of helping these people and if we were not absolutely forced to secure other people from the German Labor front, who exerted a pressure on us, we let these people go and a lot of them returned to us voluntarily.

iR. VAN STREET: If your Honor please, I would like to have NI-11634 marked as Prosecution's Exhibit 2053, and, in this same connection, I would also like to introduce document HI-11638 as Prosecution's Exhibit 2054 and also MI-1482h as Prosecution's Exhibit 2055. The last papers introduced are all indications and examples, I might say, of reporting on the part of I.G. Parben Ecechst to the authorities where foreigners did not return from leavo.

Q Mow, Mr. Jachne, was there any question in your mind as to the fact that Poles and Russians were brought to Germany involuntarily.

A The fact I talked to such people from time to time and very late during the war I heard these claims from these people: "Well, I did not come here voluntarily," but on the other hand from those who first came, I heard that they left home with music and somethims accompanied by the village elders, What was correct, after all?

Q Witness, why did you say that you heard it latterly. Can you place the approximate date when you learned that Russians and Polès came involuntarily?

E "knew" is a little to much. I heard it from them that way. Well, that was pretty late. I assume after the first arrival of the voluntary workers, one or two years elapsed, but I can't tell you exactly.

Q Now, Mr. Jachne, will you please name the different foreign nationalities that were employed at Hoechst.

DR. FRIBILLA (Attorney for the defendant Jaehne): Your Honor, the prosecutor has introduced two documents and I now have referent to NI-11824, Is to both document, it was said that these are examples of the fact that Invoign workers who did not return were reported by the Hoechst plant. In the document which I just named, I cannot see that the Hoechst Plant is referred too, just Farben generally.

THE PRESIDENT: The record may indicate that counsel for the defemse is speaking of Prosecution's Exhibit 2055. What have you to say, ir. Prosecutor?

IN. VAN STREET: On the fact of this document, what defense counsel has stated is correct, and we will have to be governed by that at this time. I believe that there is something that indicates that it comes from the Roschet Files.

THE FRESHDENT: I take it that although the counsel for the defense spoke with respect to two documents, he has reference to your Exhibit 2054, is that correct, Dr. Fribilla?

IR. VAN STREET: Just the one, I believe.

THE FRESIDENT: One or both of these documents, so we have an understanding?

DR. FRIBILIA: Your Honor, at the moment, I do not know what the

THE FRESIDENT: I am smeaking of 11638.

DR. FRIBILIA: I did not speak of this one. That is where is says, "Farben-Houghst" but in the other document it dows not say so.

THE FRESIDENT: Then we are to understand that the objection of counsel for the defense refers solely to Prosecution's Exhibit 2055, which is its Document NI-14624. Now, Nr. Prosecutor, are you agreeable under to the circumstances that we may mark this for identification only until you determine whether or not you wish to stand on your offer?

IR. VAN STREET: Your Honor, I think that the matter should still stand in evidence as an exhibit by virtue of the fact that in the third paragraph it obviously refers to Ferben generally. It says, "As indicated by the stamp on the index-cards, these have been issued upon request of I. G. Ferbenindustries" so, whereas it doesn't have particular application, it does have general application.

THE PRESIDENT: I think that is right. It would be competent evimones. I take it, although it is proper for counsel for the defense to observe the limitations of it, it doesn't apply to this defendant on the face of it, unless there is a further showing.

IR. VAN STREET: That is to say, any more than any of the other defendants.

THE FRESIDENT: Any more than any of the defendants, that is cor-

IN. VAN STREET: I think now your Honor that we can straighten that out. It does have specific application to Hoschst. A part of the exhibit file has an attachment which shows Hoschst. That is what I had reference to a while ago when I thought.—

THE PRESIDENT: Lot Counsel for the Defense see that and see The there or not he wishes to insist on his objection.

DR. PRIBILIA: Your Honors, may I say another word about both documents? Of course, first of all, I must peacefully examine them, because from what has been introduced I could not see this, but right now, I can say that in the case of both documents it is not a matter of establishing that the lookest plant reported something, but some kind of documents show that these workers were employed in the Hoschet plant. That makes a certain difference.

THE FRESIDENT: Lot the matter stand this way. Under the practice that we have indulged in, we do not require objections to the documents to be made at the moment the document is offered, if it is made at a reasonable time. Counsel for the Defense, will you look into the matter and renew your objection if you wish at some future time, but the documents are in evidence, and the proscouter can go on.

IR. VAN STREET: Your Honor, I don't want to be facetious, but
just to clarify this matter and bring it sharply into focus for counsel's
tomofit, too I don't think it is hardly worthwhile to explore the possibility
let's say of Ludwigshafen or some other plant of I. G. Farben reporting
escapees or non-returness of Hosehst and that seems to be the question that
has been theoretically propounded.

TY IR. VAN STREET:

- Q Now, 15r. Jachne, will you please give the different nationalities that were employed at Ecochst?
 - A 18. Shall I list them individually?
 - Q Tos, briefly, please, just as briefly as you can.
 - A Wall, I can't be brief. There are 18 of them.
- Q Without comment. That is what I mean. Without additional com-
- A Bolgians, Bulgarians, Damos, Frenchmon, Grocks, Dutchmon, Italians, Croatians, Polos, Lithuanians, Rumanians, Russians, Slovaks, Spaniards, and one is missing, Stateless, I guess that is not a nation, Czechs, Hungarians. I am very grateful to the careful work of our physician, Baldus, through whom I got this list.
- I low there came a time, did there not, Mr. Jachne, when about 50% of the Farbon workers were foreigners, is that right?
- A Yes, I believe that can be seen from the tables which the prosecution introduced at the beginning of the trial. In Hoechet, we did not have nearly that amount.
- Q Yos, I understand, Mr. Jachno. Now, what discussions took place in the Verstand concerning the large percentage of foreigners employed by Farben?
- A No discussion. It wasn't possible that suddenly 50,000 foreign workers arrived while we were sitting there and ---
- Q You answered that. You answered my question when you said "No discussions." Thank you very much. Now, what discussions took place in the Tes. Office concerning the la rge percentage of foreign workers?
 - A Hone.
- Q that discussions took place in the Verstand concerned the foreigners being in Germany and working for Farbon against their will?
- A Well, against their will? I could not look into them. Whatever I sow word volunteers; in the Verstand, this wasn't discussed at all. This was a technical question which the Tea could have been informed about, but

it did not concern the Vorstand. The only thing I remember — but that was also in the Tea — that happened like this; If credits were presented, then it was said, "Well, what sense does this have?" As I recall, we had about 2,000,000,000 credits in front of us. There was no sense to discurs credits if we don't have the workers" and one might have said once, "Well, we are going to get foreigners," but that was not conspicuous. That was up to the Ferbon plant managers and then the workers arrived one by one but not 50,000 at the same time.

Q Woll, you mean it unen't particularly conspicuous to the Vorstand the number of foreign workers when the percentage did reach approximately 50%

A Whother the Verstand saw this, I do not know at all, because these tables allegedly made by Struse a t that time were not presented at Verstand moetings, but they were presented at the TEA meetings.

Q Now, Mr. Jashno, you testified that you joined the MSDAP in 1938, is that right?

A Yes.

Q Now, I believe you also testified that one of the reasons you joined was it put you in a better position to help many people, is that right?

A Yos.

Q Now, how many people would you say that you helped by your manboraids in the Party?

A. Wall, I didn't write them down.

Q Well approximately.

A Well I wouldn't have been so stupid as to get myself into the danger of being denounced because of helping to many and not being able to help snyone anymore. If I wanted to help. This is the way I did it —

Q ir. Jachne, pardon me. I om not asking how you did it. I am asking you to tell me approximately — I don't expect the exact number — how many people you helped by being in the Party. It's a very cimple question.

A I can not answer that.

Q Would you say it was a large number or was it a medium number or a negligible number?

A Hany.

Q Now, what do you mean by a large number? Do you mean seventyfive, one hundred, one hundred fifty?

A I can not say anything to this because I try, as a technologist, to give clear answers and I don't want to give approximate answers. That is not my way of doing things.

Q Now, Mr. Jachne, in the TEKO do you recall having had come to your attention any credits for the housing of concentration camp inmates?

A Ho.

Q It was the responsibility, was it not, of the firm, the particular firm, which secured concentration camp inmates to house them?

A What am I to say about that? That is a matter of course.

Q Now, is it true, Mr. Jachne, that the TEKO had a number of meetings, including some at Auschwitz, and discussed the labor situation at Auschwitz?

A Mo.

Q I show you Document NI-14728 which will become Prosecution Exhibit 2056. Also NI-14730 which will become Prosecution Exhibit 2057, and NI-14729 which will become Prosecution Exhibit 2058.

- A Did you ask for camps or concentration camps?
- Q I beg your pardon?
 - A Jas the question camps or concentration camps?
 - Q The labor situation at Auschmitz the general -
- A Yes, I beg your pardon. I didn't hear that correctly. Of course, the camps in Auschwitz were discussed.

IR. VAN STREET: If it please your Honors we will just leave these documents in them as marked without any further comment.

THE FRESIDENT: The copies furnished us were in German so it's just as well that you don't comment on them.

BT IR. VAN STREET:

- Q Now, Mr. Jachne, you mentioned during your direct examination that you talked to your son, Norbert Jachne, who was employed in the Austhritz Plant. How long was your son employed there?
- A To my recollection he containly must have worked there for two years, if not more.
 - Q Do you remember the time that is the particular -
 - A Yes, until the end I know, but I don't know when he began.
- Q Now, during the time that he was employed there did he return to Germany to visit you from time to time?
 - A Yes, he did that.
 - Q How often would you say?
- A I really do not know, but not very often because he could not often get away.
- Q Now, I believe you have testified that you visited Auschwitz three times, is that correct?
 - A Yes.
- Q liow, did your some inform you concerning any of the following —
 that of all the people employed in I.G. Auschwitz, the inamtes received
 the worst treatment? Did he inform you of that?
 - A No.
 - Q Did he -

A But that may be to blame on the type of questioning - the number of questioning.

Q Now secondly, did he inform you that the concentration camp irrates there, that is at Auschmits, were beaten by the Kapos, who, on their part, had to see to it that the amount of work set them and their detachment by I.G. Farbon was carried out, since otherwise they were beaten as punishment in the Monowritz Camp in the evening — did he inform you of that?

A Not a word, ever.

Q Did he tell you that there was a general system of driving on the I.G. construction site so that one can not say that the Kapos alone were to blams and that the Kapos drove the inmates in their detachments exceedingly hard in order to protect themselves and they did not shrink from using any means of increasing the output of the inamtes just so long as the required amount of work was done.

THE PRESIDENT: Just a moment.

DR. FRIBILLA: Your Honors, I have the impression that these are not facts but conclusions — a type of judgment about a system-which the defendant is being confronted with, and that it is not proper to domain an answer to this.

THE FRESHDENT: The Tribunal can not say the questions are improper if the prosecution intends to follow this up by proving that the son did tell the father. Then it would be proper. But we will assume that if the prosecution does not intend to follow up the inquiry by proving that the some did tell his father those things, the prosecution will not take the time of the Tribunal to ask such questions.

IR. VAN STREET: Yes. I would like to state to your Honors briefly, this questioning arises upon two bases — one, the prosecution has an efficient of the defendant Ja chne in which he states, and this has been discussed, that he visited Auschritz and at the time saw his son and discussed, among other things, the gassing of inmates there. We are endeavoring to find out, through this questioning, whether or not father and son

also, at that time or any other time, interchanged any information in respect to the conditions at Auschwitz, specifically the treatment and so forth. Number two -- I beg your pardon sir.

THE FRESIDENT: Go shea d.

IM. VAN STREET: We also have an affidevit from Norbett Jachno, the some of this defendant, in which he has unequivacally stated, in sworn form, the very facts which I am now asking his father; if he, the som, discussed with him.

THE FRESIDENT: On the prosecutor's statement the objection is everywhed.

III. VAN STREET: Now, your Honors, I'd like to make this perfectly clear, however. The sons, in his affidavit, does not state that he discussed those particular matters with the father, but that is what we are trying to find out.

THE FRESIDENT: That is quite a different matter.

IR. VAN STREET: Now, I'd like to say one ---

THE FRESIDENT: The objection is overruled. The prosecution may proceed. Did you have semething more to say?

DR. FRIBÎLIA: Your Honors, may I have a word pleaso?

THE PRESIDENT: Yes, I didn't notice you were there. I'm sorry,
I didn't intend to cut you off. Bo shead.

DR. PRIBILIA: Your Honors, I would not raise any objection if the prosecution asks for a specific fact or "according to a specific fact your son told you this", or "this is a fact." But I do object to the fact that conclusions are being drawn here that there was a system which was so brutal, and so forth.

THE FRESHENT: Well, that doesn't meet the matter because the conversation between the father and son, if such occurred, as the prosecution boutends, may have been in the nature of conclusions. The objection is overruled. The prosecution may proceed.

IR. VAN STREET: Your Honors, I would like to state one other thing,
I think that this trial, for the most part, has been conducted in the

absence of surprises, to a very large extent, and the prosecution had in mind, among other things, bringing in this document this afternoon so the defense could arrange to bring in some rebuttal testimony if they manted to or bring in, for that matter, Norbert Jachne, because after all we had intended to introduce this as a rebuttal document.

THE PRESIDENT: Very well. BY HE VAN STREET:

I Now, Mr. Jackne, I want to ask you, did you learn, through your oun observations, from conversations with your ean, or from anyone class, that the innates clothing was exceedingly defective and it was hardly seen how a person could survive in such clothing on cold winter days with a temperature or up to thirty degrees Centigrade below freezing?

A I can merely say what I saw and what I heard there. I was there in April and there were no thirty degrees below zero.

On the I.G. construction sites had to carry sacks of cement weighing fifty kilograms which was sometimes heavier than the inamtes who had to corry such sacks and that when they finished work the immates were exhausted and it was seen that some supported each other when they walked out of the I.G. plant?

A No, how could I come to carry out such a conversation?

Q Now, did you learn this from any source whatever — that in the Monowitz concentration camp the immates, apart from being beaten by sticks, were punished in the so-called standing bunkers, that is they had to stand in a room of one and one-quarter cubic meters?

A I never heard the word standing bunker before. I hear it for the first time.

Q May it please your Honors, I would like to have marked for identification Document NI-12002, which is an affidavit of Norbet Jachne and just as soon as this affidavit has been processed sufficiently and properly it will be marked into evidence and given an exhibit number and the identification number will be — THE :RESIDENT: Well now, let's get our records straight. You are offering it in evidence except that you are not in a position to furmish copies at the time.

MEL. VAN STREET: Precisely, yes sir.

THE FRESTRENT: Well, then, subject to subsequent objections, if there are any, your document NI-12002 is now in evidence as your Exhibit 2059, subject to your promise to see that it is processed and properly distributed. Now, jet before we rise for recess perhaps it's not inappropriate to observe that according to our calculation the prosecution has fourteen minutes after recess to conclude its examination. The Iribural is now in recess.

THE MARSHAL: The Tribunel is egain in session.

IR. YOM STREET: Two very brief questions.

DR. SEIDL: (Attorney for the defendent Duerrfold)

I object to the manissibility of the effidavit of Morbert Jachne which the Prosecution offered into evidence before the recess. This is an affidavit bearing the date of 22 October 1947. I want to lay my cards on the table and say that I know of this effidavit for several months already. I object for the following reasons. First the Prosecution itself forse't contend that the contents of the effidavit of the son of this defendant contains anything about what the son might have told his father. Secondly, the affidavit newhere mentions the fact that any conversations took place between the defendant and his son. Thirdly, the effidavit was taken down by Mr. von mallo on the 22nd of October, 1947.

The Prosecution would have had time to offer this affidavit before their case was completed. Fourth, and this is the decisive reason: I have another affidavit of the witness Dr. Norbert Jackme; this beard the data of 8th of November, 1967. In that affidavit the affiant states how he came to make out the other affidavit which he gave to the Prosecution on the 22nd of October 1947. From that affidavit it can be seen quite clearly that the first affidavit contains a number of assertions which were incorporated into this affidavit by suggestions that the interrogative officer updo to the affidat.

The affidable which Morbort Jacks gave to the Defense, is more or less, in all points the opposite of what is contained in the affidavit that he gave to the Prosecution.

Under these circumstances, I ask that the Prosecution's affidavit
be not admitted at all. If that objection of mine is to be everaled,
then I ask that the affidavit be only admitted with the reservation that
the affight Norbert Jackne be and available by the Prosecution for
cross examination to the Defense.

THE PRESIDENT: Counsel, you can hardly ask the Tribunal to rule

The file inter before the affidevite are accessible to us. Tour objections, Counsel, are in the record; and, after the Prosecution's affidevit, Inticit E059, has been made available to us, we will take the matter up and dispose of it. In the meanwhile, may I inquire is it your purpose to offer your affidavit in connection with this matter now? Otherwise, we will not have the benefit of it and the matter will again be delayed if you are standing on the facts contained in your affidavit; we will be in the same situation as we are with respect to the Prosecution's affidavit. If you wish to offer it now and let it be processed, we will have both affidavits in our hands when we consider the matter and then we will take it up subsequently and pass upon it.

You may do ma you soo fit about it, however.

DR. SEIDE: That is another reason, Wr. President, why I object to the addissibility. If the Presentish proceeds in this manner and if they submit now evidence including affidavits in the case of every defend at, then we of the Defense shall never see the end of this proceeding. We have been given a certain deadline by which we have to effect the Defense's document books. I shall submit my last document books in the course of the next few days, which have been stenciled. In these document books the affidavit of Norbert Jachne of course is not contained. It couldn't have been incorporated in it because in that affidavit various points of the Prescention are referred to. If we are thus forced to wait always for new exhibits that the Prescention offers, I don't see a possibility for us to finish the presentation of our documents.

and lawsy in case of surprise or unusual circumstances. What I am concerned about now is this: Do you wish us to consider your affidavit at the time when we pass upon the admissibility of the Presecution's affidavit? If you do, you had better now offer it and let it be processed and given an exhibit number so that when we get the Presecution affidavit

we will have get yours and be in a position to consider it; otherwise, there will be another delay.

ond in mind: During earlier opportunities I have already pointed out that witnesses should be examined before the Court. If an affidavit of the Prosecution is admitted, and in a few days the Defense submits an affidavit which contains the opposite, and if the Court has no opportunity to see the affidavits at all.

where affidants are offered we have always taken the position that the party against when they were effered as entitled to cross examine. What I am train: to find out is: As part of your objection to the Presecution's affidatit, do you wish us to consider your subsequent affidavit? If you do, you should offer it in evidence so it can be processed and cade available to the Presecution and to the Cribural; otherwise, when we get around to ruling on the Presecution's affidatit, we may run into trouble because then you will want to offer an affidatit, we may run into trouble to pass upon the matter. Do you wish us to consider the affidavit to which you referred when we pass upon the admissibility of the Presecution affidatit

DR. SZIDL: It is my intention to ask the Cribunal to consider our affidavit when the question of the admissibility of the Prosecution's affidavit is considered.

ONE PRESIDENT: Very well; that answers that question. Then, what exhibit number do you wish to give it?

DR. SEIDL: I give it Exhibit Duerrfeld No. 1.

THE PRESIDENT: Very well; then you will see it's processed
and made available to us and to the Prosecution, and we will pass the
whole matter until these affidavits are accessible, and then we will take
it up and determine the ruling.

MR. SPRECHER: May we have just one nimute?
THE PRESIDENT: Yes,

The SPRECHER: Mr. Prosident, the Prosecution is not certain whother or not in this case it has a record of the interrogations which led up to the affidavit of the son of the defendant. If we do, we will make then available to Dr. Seidl. We, on our part, would like to mak Dr. Seidl to give us any interrogations, if he kept any record of them, which he had or which other Defense Counsel had with the son of the defendant Jachne, which led up to an affidavit which allegedly dates back or modifies the affidavit that was given to the Prosecution. Your Honors will note that from what Dr. Seidl, or somebody, apparently found out when that — and we had nothing to keep secret about it — and obtained so a kind of a counter affidavit in November 1967. We would be very pleased to have any interrogations that led up to that other affidavit.

THE PRESIDENCE How, Counsel, it knows coming back to my mind that we have been over this territory a good many times; we remember earlier in the trial when the Prosecution offered some afficavits of some defendants. The Defense demanded the interrogations of the defendants and the Prosecution took the position that they were confidential and were not to be surrendered. We will have to be consistent on that, we can't make an order of that kind.

ID. SPEECHER: Your Homor, I beven't asked for an order.

THE FRESHLEWS: Then you discuss that with Dr. Seidl after recess and we will go along.

in. SPRECHER: Since the suestion of duress apparently was raised, and since this is a very interesting correlation in terms of time, we thought that Dr. Seidl perhaps would be glad to furnish that, and that is a request I cade in open court.

THE PHISTORY: Dr. Seidl can enswer himself. The question of duress was involved in the other matters to which I just referred a little while east; that is exactly where it prose earlier in the trial of this case.

That is a matter between counsel. We have no concern about it.

Gentlemen, we have spent all the time we are going to on this now.

Unless there is senething of most unusual and pressing importance, we would rather get along with this hearing.

That did you have in mind, Dr. Soidl?

DR. SEIDL: I wented to remark very briefly, Mr. President, that
we don't conduct our interrogations in the way the Prosecution does,
that is, I don't have the record of these interrogations. The affidavits
that we —

THE PRESIDENT: Talk to Mr. Spreaker about that at recess.

22. SHIDL: Yes.

THE RESIDENT: You may continue, and you still have your fourteen

L. T. THER: Think you, sir.

SY AK. V. T. STREET,

. In distinct on jour direct and in then just order your nounced directed your ittention to inticle 10 of the Geneva Convention, and you noticed that inticle. Now, I tent to ank you: End you need the namely, Convention on prisoners of mar prior to the incoption of these modeledings

- I not refer to Chapter II, entitled "Friedners of ar" of the "space Companies 1907, and specifically to a portion of article VI thereof which I will read and then I and ou to answer a to the there or not for have read this particular or vision of the Hague Convention of 1907. I note: "The state may utilize the labor of pirsoners of the recording to their rank and actitude, officers excepted. The tasks shall not be crossive, and shall have no connection with the operations of the ar."
 - .. I didn't reed this.
 - S. V. T STREET: That is all, Your Honor.

- the TI took place from the period of 1933 to 1939, and that one of the important changes that place in the lie was that the TI no longer had discretion as to shother it should take capital investments, but that investments were made on orders of the authorities. Did I correctly understand that to be your testimony?
- . To, I didn't express it in this general way. I said that there have cases and it wasn't true that no further investments in capital here a to inthout the orders of the government, but without their approval none could be made.

- . it, from the period of 1933 to 1939, did the TL still have discretion . 3 to whether or not depited investments in plants should be
- ... In some cases, jas, but with the reservation that m terial was allocated by the authorities. hen this state of affairs actually arose, then this to a absolutely necessary, I don't know any more.
- Q. The westion as to a choice thether or not to invest its own water in c.pit.1 structures during this period 1933 to 1939, th t still resided with the TE and the Vorstand; is that correct?
- ... Yes, of course; we had to do all this with our own funds what-Ever then't heigh-camed plants; we were given certain orders and he could Top for it.
- C. Morr, as the head of the TECO, you were the technical an in Parben who dvised whether the construction of general plants werrented; is that correct?
 - w. Yes.
 - . .nd is it also --
- a. That is to say, I advised as to how the construction was to be carried out; s to whether -- I did that only in the case of general lants.
- . In is it also correct that you were the technical man in Farben who idvised on the tenner of the construction of plants?
- . bout the general plants altogether, and in the case of production plants, I advised about general considerations.
- Q. Now, in connection with the construction of new plants and the enlargement of old plants, you were the responsible official of Forben who placed on the credits requested for gover installations, and Transportation accilities; is that correct?
- ... I fidn't decide it because the TE didn't decide anything. The The serely sade recommendations to the Vorstand.
- . ere you not the technical official who passed on the credits with respect to power installations and transportation facilities?

- . How do you imagine such a thing?
- 7. I arely sked you --
- .. 10.
- . Len juestions of new construction an installation of power ficilities and transportation facilities rose before the Ti., h.t function did you exercise with respect to a sec mending its approval or discoprovel?
- Two functions; there is a difference; in Hoschst my opinion was to ther decisive as to how it was to be done. Secondly, in the case of the other disks, there was a chief engineer who was on an equal level with me an the decided as to whether it should be recommended in this may. In the technical commission I saw these recommendations of the other chief engineer and I could tell him my dear man, we have had some other experiences; you had better change it. I was able to enchange technical commission which has that we make in Parben.
 - . In the The nere you the makest ranking engineer?
 - Tirst I was the only one, and later there were three of us.
 - ". How, in the Vorstand were you the only engineer?
 - a. Yes, there I was the only engineer.
- Jon, you testified that at the Coschet plant nitric acid and sulphuric acid, smony other things, were produced for peace time uses. Jon, is it not a feet that even prior to deptember 1939, the principle production of Poechst for these products tent to the DaG plants which were producing explosives? Isn't that the fact?
 - a. 'A t period of time ore you speaking about?
 - . From to September 1 1939.
- A. I con't tell you enything definite about it because, as you said pursuif, I was the technical can and not the production can, but that a large proportion was to have been sent to the DaG plants, that is impossible because we had the large nitrogen plants in order to produce calcium nitrate. There were so many types of productions and Mr. Stein said the production department was increasing all the time.

iE. ICH.N: Le offer in that connection, if Your Honors please, as prosecution Exhibit 2060, NI-14277, and as Prosecution Exhibit 2061, II-14276, and is shall not interrog to the witness. To merely identify the documents: they consist of reports dated February 1939, and angust 1939, from the reldsirtschaftsamt of the CK, setting forth the illocation of sulphuric acid and pitric acid to the PAG plants, and the reports indicate the quantity of these products that vent from the Pocchet dant to the v rious DaG factories.

The hand LENT: Fo the documents evailable?

Your Nomers yet; we have photostats to hand to Defense Counsel.

THE INDICAT: Counsel, it does seem to the tribunal that where you anticip to you may offer documents under these circumstances, where you have no interrogation, you should have every effort to raise distribution because otherwise we are con routed with a question of delay until the Counsel for the Defendants have an opportunity to study the topulants. To mentioned that the other day, and I hope you have belien steps to void, a repetition of that because it; just in this case now we have a situation here where Counsel will not be in a position to conduct re-direct examination.

The ICH W: Counsel for the Jefense have photostate of these documents to just offered; the photostate to have available. Because of the siministrative difficulties, which Tour Monors know, the pressure is such that the can't get all the other processing through, but the photostate are available now and have been mended to the Defense Counsel.

THE FOREST: Very well. Now many of them have you? Now many of these have you evailable, or. Prosecutor?

OR. PRIZHIA: "e have received one document in one copy and another focusent in the copies.

THE TESIDENT: That just won't work so far as the orderly procedure is concerned; we cannot expect where there is only one or two documents

direct examination, because again we will be confronted with the necessity of delay, and it does seem to us that you ought to make unusual efforts to try to get copies so that you can make a distribution when you offer the document at the very earliest, or latest, rather.

II. ... CHAN: we are making every effort we possibly can; there is an unusual administrative procedure now in document control because of a concentration of cases, and these matters are a little beyond our control. Now, if it will help any, we'll mark these for identification.

THE PRESIDENT: No, because even if you mark them for identification that are subject to inquiry then; it won't help a bit unless we have unough copies distributed here so that Counsel for the defense can be expected to go forward with their re-direct examination without delay.

'e are just up against a problem here that loses time for all of us.

T. ... CHt.N: Le will make every effort to see that it doesn't occur again.

- Q. Dr. Jackne, with respect to your testimony relating to the oxygan clasts in Alsoce-Lorraine, is it not a fact that you took the initiative in contacting the government authorities for the purpose of acquiring those plants?
- A. I don't remember that. Perhaps you have something that might assist my memory for the negotiations were conducted by the Vereinigte Samerstoffworks, the United Oxygen Plants, and half of them belonged to the Linde Regrigerator Plants, and half belonged to Farben. I don't know it. Perhaps I didn't develop an initiative however. It is possible that I was present sometime.
- Q. Do you recall, Dr. Jaehne, that with respect to the AlsaceLorraine plants when the government authorities informed your representatives that they would not enter into any lease agreements because
 that would anticipate questions of pruchase, your representative enphasized Farben's historical rights to acquire these plants. Do you
 recall that?
- A. No, I don't remember that. Ferhaps if you have something I I should like to recall this instance but I don't know anything about instorical rights. I was concerned with this affair only later; that is to say, I was concerned with this exygen business later.
- PR. APPUAN: We offer in evidence, if Your Monors please, as Prosecution Exhibit 2062, MI-14738, and as Prosecution Exhibit 2063, MI-14739. They are file notes relating to a conference dealing with the negotiations on these plants. The first one, Exhibit 2062, is dated 23 August 1940 at which the defendant Jachne is present and the second one, Exhibit 2063, is a letter addressed to the defendant Jachne of 16 Movember, 1940. There are sufficient copies for all interested parties and we have no further questions with respect to that.

ly attention is called to the fact that we have an error in the record. Exhibit 2062 should be NI-11277 and Exhibit 2061 should be NI-11278.

- Q. How, Dr. Jackne, with respect to the mobilization plans, is it correct that you worked out the mobilization plans for the Farbon plants jointly with the Vermittlungsstelle I and the respective works management?
 - A. No, that is absolutely incorrect.
- Q. What is the fact with respect to your perticipation in the mobilization plans?
- A. I believe that I explained that very clearly. I had to indicate what I needed in the general plants; that is, what I needed in the way of coal, current and electricity, if the production that the government wanted was to be produced. We needed power, current, water power, workshops, mangewor for that and I listed these.
- Q. How, Dr. Jachne, you testified that you disagreed with the Wazi ideology, that you rejected the nonsense of living space and disapproved power politics such as the militarization of the Rhineland and the violation of contracts. Now, is it not a fact, Dr. Jachne, that you joined the Maxi Party after the invasion of Austria?
 - A. Yos. That is a fact.
- Q. Now, you testified, Dr. Jackne, that you joined the Party in order to help people. Now, what people did you contemplate helping at the time you joined the Party?/
- A. I wanted to help all those people that got into trouble because of the Party.
 - Q. What mind of trouble?
- All There was some talk in the plant I remember, for instance, one case. There was a law against treachery which said that whoever spreads runers which undermine the defensive strength of the Army should be punished. There was a law previous to that already which said that whoever distrubed the peace in the plant by any action for instance, if he opposed the Party they all had to be in the Labor Front. Those people were denounced by others in a very infamous manner and in this

instance I was able to help, particularly through Mr. Poehn who was the counter-intelligence agent in our plant and was able to get in touch with the Party agencies where he know one man relatively well. In many instances I was able to achieve senething through the intervention of this Mr. Poehn and through the judgment about the general conduct of the parson who was attacked in the plant; for instance, we were able to certify, even if it didn't correspond to the truth, that this man was otherwise a good Party member and that he parhaps made this statement in some sert of excitement, and in that way we were able to help. I sysolf had no advantageous position in the Party, but I was able to make my hand in each catters.

- Q. And do I correctly understand your testiment to be, then, that the people whom you contemplated beloing by joining the Nazi Party were limited to people working within the Farben plant?
- A. That impart confined to only those people but that is where
 I had most of the opportunity to help. If I had heard about some
 other cas. I would have also belood. I remember now one case -- this man,
 Haisel; I discussed that case with Professor Leutenschlagger.
- Q. I am sorry; I don't think you understood my question. My question was: what people did you contemplate helping at the time you joined the larty? What general class of people did you e atemplate helping?
- A. When I joined the Party, what type of people I wanted to help? I must say I always stuck to the facts. I don't know what hopes and prospects I had at the time, but if the need arose I did help. I remamber one more case, now that you remind me. He was a Jew, Mr. Whandle, that was his name. I also helped him. I tried to get him tome decent work. If you give me some time I could give you desons of cases.
- Q. That is not necessary. Now, Dr. Jachne, you testified that you were sufficiently a technician to realize that a war was senseless

for Berneny, and then you went into some computations of comparative hersepower between Germany and the United States. Now, were you also familiar with a study propered by Farben's VCMI in December 1911 on the comparative strongth of the Japanese and the American navies?

Were you familiar with such a study?

THE FR SIDEMY: How, Mr. Prosecutor, you are getting pretty for affold. Just a memont — just a moment. Your question indicates that that study was formulated after the war and involves American — Japanese relations and is purhaps entirely collatoral to the matter about which the defendant testified in chief.

IR. AUDIM: I will abide by Your Honor's ruling. We have no further questions.

THE FIRSIDARY: News, Gentlemen of the Defense, are you ready for your redirect coordination of this witness?

DR. FRIETIAA (Counsel for defendant Jachne): I have only very fow questions that seem necessary for clarification.

REDIRECT EXALIBIATION

BY BP. PRIBILIA:

- Q. Mr. Jackso, the Prosecution attached great importance to the idea of your joining the Party with the purpose of beloing people. In that connection I want to ask you something. Is it true that the Farbon plant in Moschet was one of the largest industrial plants in the area of Hesse which was in the public eye?
 - A. It was the largest plant.
- Q. Is it correct, therefore, that also the Farty agencies had their watchful eye on this plant?
 - A. I didn't understand your question.

24 March - A-LU-25-1-Arminger (Int. Kata) Durt VI - Case VI 1. Is it correct that the Party agencies in this District too had a particularly watchful eye on this plant? A. Yes, that is certainly correct. 2. Is it correct that the orty considered it very important that the leading men of such lants were not in open opposition to the FARTUR Yes, otherwise the Gaulait r wouldn't have sent a special regresset tive who told us "Wary wall. How, you have to register in the 5 4422 H Is it correct that if you and professor toutenschlagger had not joined the Party, a rious dif ic it as would have arisen with the Party and State a enclus? A. May I ive you a few details about this? Q. Just be as briof as you can. A. There were three people who were candidates for the plant management. There was Lautenschlaeger and syself, and Dr. Pfaffendorf -and excuse me if I mention myself in the second place. We knew that if and of us joined and the others didn't, then the influence of the one would be used against the others; for that reason, we said, "If such requests are made," - and they were expected any day - "then we will agree among ourselves that we are coing to do the same thing. " There was one more person who had all sorts of functions and ambitions in the Party and we said "That would happen if we didn't join the Party." He talked to ir. Schwammoorn, who was the manager of the Secial Welfare Department, and he said, "For God's sake, you cannot reject this re nest, because othercisa you will see mint in your. Then we said, "It will probably be correct for us to join. We will stick to our own may of thinking." 1. Do you mant to indicate by that that the possibility would have existed that some other can would have been appointed by the Farty to the management of this plant who would be more agrecable to the Party? A. That most cortainly would have been the case. Q. Since we are already talking about the persons whom you 10016

collect, can you say that you helped all the employees and the foreign orders of the Hoschat Plant by your remaining in the management of the plant?

- in Moschet would have received such good treatment, if it hadn't been for us in the man genera.
- 7. In Jackso, the prosecution stressed the fact that there was a certain pursed when the lowling people of Ferbun, quite apart from which they were in the Versiand or in the TZL, saw that there were 50 foreign workers amployed by Ferban. Was that something conspicuous or publish at any time during the way or was this also true in the other industries:
- that it was a low preentage for I know, as Chief of the Industrial Department in the Chamber of Commerce, who there were plants where the purcentage was higher, and in our new plants that percentage was also eighter. We arrived at that figure on y by throwing all the plants together, the old and the new plants, and to explain the fact that we had more foreign workers in the new plants there is the consideration that we had also old workers in the new plants there is the consideration that we had also old workers in the old plants who were not drafted into the army, because they were not that in the new plants, we only had not ones who were drafted into the anything different, because they had not ones who were drafted into they couldn't do anything
 - Q. Then the figure of 90% was not poculiar?
 - n. Yus, it was particularly low.
 - Q. And in Mouchet, it as only 25%.
 - . Yes, there were only 3,000 in a total of 12,000.

or ill you mon the facts, nevertheless.

- wantien. The Hague Convention of Land Marfare, and The Geneva Convention and I did know that there were certain regulations about the employment, first, of prisoners of our and, second, of foreigner workers. I know that, but I didn't know any details. I didn't read the regulations at that time.
- O. But you know at the that the employment, as it was handled in Noochet and in Griesheim, did not contradict those regulations?
- It is play to enswer concerning the prisoners of war. In blocket to didn't have anything that come under those regulations. In bringhain, it was the business of the manager of the enterprise and I know that the Tehra cht supervised thas employment. I couldn't do more than that.
- I. It. forther, then't the involution subject. You made definite and older stituments in direct examplation to the of oct that you didn't observe anything that was in any way considered or unusual. You said, furthermore, what your son told you. The prospection quoted an affidavit of your son which is still being disperie. But we are not concerned with that. I can ask you only once more to reiterate under your eath whether anyone, and particularly your son, told you anything about inhuman treatment in auschnitz, about grasings, mal-treatments, and all those atrocities that we have about here, yes or no?
 - A. No.
- assume that you son had known something, can you explain why perhaps, he would not have discussed this to you?

THE RESIDEN: That is proly speculation. That is speculative

- P. FRIBILLA: Very well.
- 7. (Tr Dr. Pribilla) Tell, he just didn't tilk to you about it?

- Se 30.
- . in Jamin, the presentation submit and two reports about agrees thats. Did you look at them got?
 - a. I just _ rused them bru Tly.
- Q. On dir at examination, you stated that you didn't participate in the conduct of those negotiations. You said that circular lotters
 and reports about those negotiations. You said that circular lotters
 and reports about these negotiations were automatically transmitted to
 you. Can you tell us briefly whother possibly these are such automatic
 reports?
 - A. Jull, I will have to read them ence more.

JUDAT FRANCE: I might inquire, Counsel, are you referring to sertain achibits? Would you live us the exhibit number, please?

2002 and 2003, Educates 2002 and 2003.

- now in this and I shall now it is no and undersuch it says, for the says in a state of the original. It is on any 2. You are mentioned in this care, in a says there, "As the modern those made no progress, Dr. Jeones requested a conditions." I but eve it is necessary that you raid through this paragra, and that you tall us whether you remember this and what this whole this paragra, and that you tall us whether you remember this and what this whole this paragra, and that you tall us whether you remember this and
- A. You, I remember now. I was in Karlaruho, because we had to be cortain of what was going to happen. The people who carried on those negotiations told me, "You, this thong is going along," but I also have on the other hand that the occupation authorities were exerting pressure. I also have, because I had heard it, in what condition those lants in Strassbourg Schilligheim and Diedenhofen were. I know that if we were going to produce in these plants we had to do all sorts of prolimetry things, and a last to mow must was going to happen; for that reason, I believe I want to Karlaruhe together with Mr. Holler in order to

"and out what was going on.

- Q. It says here, ir. "subne, that in the course of your confictions with the Government in Welsrube, you were able to achieve an
 agreement according to your vishes. Format that look is though you and
 jushed on these associations on the commercial side toward the purchases
 or the legaling of those plants or was the cally a clarification about
 technical affairs?
- This had nothing directly to do with the commercial aspect, because they were handled in Alsece by the Chief of the Civil Administration.

 I wanted to know what do if this affair was to prosper further, and this after all was an agency where I could obtain some information. To what extent our negotiations were conducted technically I no longer remember now.
 - Q. Do you remember with whan you spoke there and what you discussion ectually was, or do you remember the reason for your intervention?
- i. The notive for my intervention was that exygen must be produced in Alsace-Lorrence. I had to see to it that machinery was transferred there for the purpose. At that time I couldn't get them so making because no now anchonery was being produced. For that re sen I had to know, for low-range policy, what I needed.

The Think you. No further questions.

THE PRESIDENT: Anything further from other defense counsel?
Anything from the prosecution? Then, Dr. Jachne, you are excused from
further attendance for the time being. Flat have you now, Dr. Pribilla?

DB. PRIBILLA: Mr. Provident, I have two witnesses whom I shall interrogate very briefly.

THE PRESIDENT: Announce the name of the first and we will have the Warshal bring in the witness.

DE. PRIBILLA: "r. Hirschel.

THE PRESENTING Mr. Witness, will you please remain standing to be sworn. (Dr. Otto Mirschel, a witness for the defense, took the stand.)

THE FRESHDENT: Redso your right hand, say "I", and state your to for the report.

THE WIELDS, I. Otto Mirschel ---

THE PRESIDENT: and now repeat after no - swear by God the almighty and the Omniscient, that I will speak the ours truth, and will withhold and add nothing.

(The witness reported the eath.)

The may be setted.

DISECT EXAMINATION

BY DE. PRIBILIA:

- Q. Ir. Hirachel, please) for the record, give your full name.
- A. Dr. Otto Hirschol.
- C. When and where word you born?
- A. 27 March 1892 in Frankfurt an liain.
- Q. Dr. Hirschel, I ask you please to consider that each of my questions and each of your enswers had to be translated into English.
 - A. Yes.
- hes come through before you enswer.
 - A. Yes.
- C. Dr. Hirschel, please tell the Tribunel whether you were working in Hoochst formerly, and why you particularly are in a position to give

information about the treatment of foreign workers in the Parbon plants the spootist.

- -. In 1921 I began to work at the Farbon plant in Hoochst. In whomany 1941 I was given the direction of the social welfare department. Therefore I am in a position to testify in detail about the treatment of the foreign workers.
- Q. Fore the foreign workers also cared for by your social welfare Longratuent?
- 4. The foreign morters were cared for by the social welfare townstrant.
- Q. Dr. Alrechel, can you tell us briefly what brought about the artilegment of foreign workers - why that became mecessary?
- A. In order to answer that question I mist first tell you that Encolns was not an agraments plant. Encolns was a so-called I and L plant -- that is to may, a plant that was withi for war and essential. Before the war to hid the so-called production plan which prescribed the production for us in case of unr. In this production plan there was only one war Addivery contract contrined. This was the amount of 375 tons of shoke screen wont a month. In view of the secondary category this Roschat Plant received, it had great disnovante es in regard to the allocation of nutoria and in the allocation of workers also. Because it was a K and L Plant we had to give up ourseratively many workers for the armed forces, and on the other hand, in the allocation of new German workers and also foreign workers, we were considered only in a secondary position. That is to say, if we had an opportunity to got in foreign workers we had only two possibilities. Either we rejected the employment of foreign workers - that would have meant that we would have refused the production that was provided for in the production plan. The result of that would Pro been that the responsible oppagers would have been arrested for sebotego and that they would have been punished. This course was practicelly impossible. Therefore we had to choose the second course and employ the foreign workers even if we were opposed to it.

- Q. From what you have said I assume that you didn't like to
 - 4. Sh, we didn't like to take then in.
 - C. Can you give us the reasons for this briefly
- A. The employment of foreign workers brought many disadvantages. On the one hand, talking to them was very difficult. That, of course adversely affected the production of the chemical industry with all its complicated processes. Added to that was the fact that because of the applicated processes. Added to that was the fact that because of the applicated processes. Added to that was the fact that because of the applicated processes. Added to that was the fact that because of the major workers we had large appenditures. We had to mail because partly and then, because of the current mintenance of the barracks and because of the feeding of these people, we had very great expenses.
 - Q. I balliove that is enough,
- A. Then in the ease of employment of foreigners there was always the danger of sabotage.
- Q. Dr. Hirschel, I believe that you have dealt with this noint sufficiently. I want to tell you that we have, through direct examination of Mr. Jachne, clarified some questions here. I nearly want to confirm weelf with you to certain questions that have not yet been out here and have not yet been clarified. I want to know from you, Dr. Hirschel, when you requested warrars from the Labor Offices and other authorities, did you express that you wanted German workers?
- A. Yes, we always requested German workers, but we were always told that German workers were no longer awailable.
- Q. Wr. Hirschel, during "r. Jackme's emanination we have already discussed that a teletype at one time was directed to the G.B. Chem from Househat which said that in order to maintain important productions one thousand foreigners were needed for all sorts of products. I notice in that connection that the importance and the urgency of these productions were pointed out. Was it true that Hoechat actually produced very strategic products important for war or how is that to be understood?

A. American products that were directly furnished to the Army we did not conserve, with the exception of snoke screen agents. These were all products that were processed again. But this telegram of which we have been speaking is the answer to a telegram of the Pleninotentiary General for Chemical production who offered foreign workers to us.

These were containly leaned-out workers of Belgian and French nationalities. If we wanted to have any success, that is to any if we wanted to get any foreign workers, then of course we had to exaggerate a little. We need to must our most important products in the foreground. But I went to any explanationally that we didn't nut these new foreign workers to work in the production of those important products. We always assigned the favoics werecore first of all to doing simple work — for instance in approximates, shipping rooms, and so on, and the Gorgan workers that were thus released we transferred into the production of the important products.

DR. PRIBILLA: Mr. "resident, my colleagues point out a translation which might not perhaps express what the difference between an armments plant and a so-called X and L plant is, the plant which is vitally excessary for war. I believe that the Tribunal has already understood from this difference what was really concerned here. It was the large division into two enterpries in Germany.

THE PRESENT: You don be Resured tirt we understand that from what has already been said.

- Tr. mirschel, would you please tell me how many foreigners were amplified in Hotchet, and what nationality they mainly belonged to?
- . In the Hopehat plant, at the most we had 3,000 foreign workers; mainly French, Bolgians, Aussians, Dutch, and Italians,
- Q Did you have prisoners of war in the plant as well? I want to goint out to you that in one affidavit of the prospection it was stated that mounded Aresian prisoners of wer had been employed in the plant.
- .. In had prisoners of war in the plant, but only French prisoners of per - approximately 250 of them - but they were civilianised already in 1943. We never had Russian prisoners of war, but German soldiers in German uniform of Aussian methonolity were employed in our plant in 1944. These were the so-called Russian logi unmaires who fought on the German side. For the most part, these were crippled people . who had lost a limb and who were assigned to us for work, end seconding to their especiality for doing work, they were given light work to perform. But we never had Russian prisoners of wer working for us.
- Q Those legionnaires were not wounded but they had already been cured. Their wounds were completely healed?
 - " Yos, completely.
- 2 They had been German soldiers. Here they treated badly in the plant?
- A No, by no means. They were also housed in a camp and were treated just like all the other foreign workers.
 - Q You know article 31 of the Geneva Convention?
 - " Yes.
 - Q and you also know those regulations at that time?
 - a Yes.
- Q Was there any type of work in the Hoochst Plant in which prisoners of wer were employed contrary to these regulations?
 - A No, I already said before that we were a K & L plant and that we

as ermanunts production. We didn't produce anything for armaments. mover, the French prisoners of war were mostly used in the mitrogen Contilizer room because the Steleg which took care of the French prescribed to us that those French prisoners of wer had to be employed in large groups.

- Was that controlled and checked up on as to whother those French more. - - T
- a Yes. The Stolag often sent an officer who checked on that, and to should have relied on his testimony. But as I said, there was no have the transments production.
- Dr. Hirschol, what was the attitude of the plant management about the treatment of the foreign workers? What directives were you given ot the time? That were the motives that the plant management had at the time?
- " I had daily emferences with the plant manager in my empacity as the chief of the social wolfers department. Frofessor Lautenschlagger, the wee the plant manager, always was of the opinion that we had been given google in trust who were to work for us. If we expect them to do satisfactory fork, then we have to see to it that they feel free; that they don't work under pressure or force. We must treat them depently; that is to say, give them good food and house them well. This attitude was always expressed in the meetings of the management in which I perticipated, and according to these instructions we always noted. My subordirectes were always given these directives by me and I sen to it that they were carried out.
 - 4 that were the working conditions on the whole for foreign workers?
- " forking conditions were generally the same as those that applied to German workers because the German workers worked together with the foreign leborers.
 - Whom about the working hours?

For the same reason, the working hours were the same as for the persons. Towards the end of the war, the working hours amounted to strict 53 to 56 hours per week. The labor offices often made difficulties for us in allocating torkers to us because we were represented with having too short a working day and that if we extended these hours they said we could save a lot of sampower. But the gentlemen, Professor Lautenschlaeger and Mr. Jachne, held the opinion that in the chemical industry one should not extend working hours too much for otherwise the people would be exposed to the langer of fatigue and that would increase the danger of accidents and explosions. For that reason, we always opposed an extension of working hours.

In the employment in the chemical plant at Moschet, was there any damperous work or any work detrimental to the health of these people?

A The work was not detrimental to health. Products were produced, it is true, which were not harmless, but the plant management had taken all necessary steps in order to avoid detrimental effects to the health of the workers. I can hardly remember that during the later years any damage to the health of workers occurred.

The FRESIDENT! We may edge up on you sould the or three minutes this evening. We have another appointment fluct suffers we recess, may I remind counsel that according to our plans we till not be in session on Friday, March 26th, on Monday, March 29th, nor - and please note this, on Tuesday, April 6th. However, since we are giving you three days off, we are going to claim one back, and we will be in session on Saturday, April 3rd. I mention that because some of you may wish to make plans to be away.

DE. MRCEN: Mr. President, on behalf of Dr. Berndt I ask that the defendant Dr. Mann be excused from attending the session tomorrow orning to prepare his defense.

THE PRESIDENT: That request is granted. The Tribunal will now rise until 9 o'clock tomorrow morning.

(The Tribunal adjourned until 25 March 1948, 0900 hours)

Official Treascript of Lilitary Tribunal VI, Case VI, in the matter of the United States of merics against Carl Erauch, et al, defendents, sitting of temberg, Germany, on 25 (Lord, 1945, 0)00-1345, Judge Shake, presiding.

THE TAIL: The Monorable, the Judges of military Tribunal VI.

ilitary Tribunal VI is now in session. God save the United States of marion and this Monorable Tribunal.

There will be order in the court.

THE F IDEA: looke your report, r. imrahal.

THE SHALE May it please Your cours, all defendants are present and the defendants fautenschlanger and seffiger, absent due to illness; the defendants and said 'unlar absent, cloused.

THE ... AND IT: I don't believe the to are enough Defense Counsel present to restify calling on them for an ennouncement, so you may pro-

F. Stady At No. sir.

DH. CTTO IL SUEL - Executed

DEFECT EX. In Tion (Continued)

97 Mr. Talli L .: (termey for the Delocated Jackne)

- . ir. Circhel, please comment briefly on the pay of the foreign berkers.
- A. The fereign workers were paid on principle in the same amone of here the German workers. On the contrary, very frequently the foreign workers received more pay than the Germans; for instance, in the pass of leaned verters, because their contracts stipulated that. Furthermore, the foreign workers were not simply the chars; if they were able, they were ple, they were ple, they were proported to charical workers, it is instant chamists, includes, French druggists and French and Dubes contracts benefits. They were outleyers are were paid accordingly. The lording markers, busides that, received a separation pay, amounting to one mark per day. I widn't charge anything for their stay overnight.

- To dether point: Not was the disciplinary system haudled in Potchet?
- . For the asistemence of order in the plant and the torking dissighine, a had so-called plant regal tiens that applied to the loreign vorters in the same as now a start a plied to the Carmens. If a worker condition of vicietions, then the cost was investigated, and if he had with the the circu rund tions, but he was generally given a requirency if he regularities of ones, and in one serious violations, he op riven - Since or traing on the second of several leagues a cloud in the pleate of tried concrete we set . Lives offer as a confit the pleat it will in or or so sourcet ; or distortion one that to like or arms the substitut in the factory of fact, to the end of 1965 a remilities - is desire to the borot to a mirrors , efter the unitive measures the in the plant had been excepted, were to be re-orded; the Germ with the se reported to the Laigh Trustes of Labor, and foreign invitors and to be reported to the flatapo. This regulation we bundled war lemiently. If a cruit continued to viol to for discipline opin and again, if he had to be madehal again and a cla, and if there a s no improvement in his bold vior, that is to say, if an has stubbern; a course to had to stop being luciont buccose exhercise this bud oxtuple tould have a ifluenced the rest of the workers very was vor blt. Then, we had to turn in the report. The people the here reported for the so t part were sent temperarily to a correction . come a for an I supporter, derive the entire mer, there here derhips five or six foreign workers reported by the foreist plant.
- Q. Did these various reading continuously in these correction comps or did they return to the plant?
- then, for the cost p rt, they returned to us. Sometimes they were transferred to enother firm.
 - . r. Fyrschol, I munt to put three documents to you now. These

are decuments MI-11634 and 638, and 18824.

DR. IRISHL: Prosident; these re Exhibits 2053, 2954 and 2055 which have been submitted posturday by the Prosecution during their cross exemination.

THE DESIGNAT: There eight be . bid of confusion in the record.
The was 2 Co., 2004 and 2005; is that correct?

TR. TRITELL: 2053, 2034 and 2055.

THE STREET : ou, that is correct, I know.

The Minister of the Seet po.

- to best about this subject. Upold you class look at these december of their reservoirs of their reservoir as to bother Pounds reported foreign between the didn't return from their worklen to the Gentepot
- . First of #21, I must say the bac never reported foreign northers to the Bestine the didn't return from their wes tion. If I look at these documents, then I comment determine the one our see from them the D the State per the collection of the tree superted to the Gest to. Toth of these Leve wats, 2053 and 2094, we Letters of the I bor Calley, of the Toran alface, in laster a, bout the torkers, one of their worked In Frieshe's and the ether in Hosehst. I sound in the report bout these the Jersagn very re wis pleased on by the I bor Office in rankfurt to the Loor Office in asteria, for it were under a obligation and The still religid today to resert an act arrival or any Guadem I or La ving of creennal to the Labor C fice; therefore, during the tar be apportung every foreign worker who entered our service to the Labor offile at the every foreign worker who left our services was reported to the L. bor diffice with reasons for his leaving riven. It is assible, therefore, that the Frenkfurt Isbor Office, which know the cases of these The workers to t hedn't returned, pessed on this report. Document,

Exhibit 2055 contains four index cards bout French loined verkers; two of these board in Perchat. The Later are sent to us through the firm of P found in Paris; they were to not verkers. These file cards bear that sign ture of the G.B. Chem. Pronce who had an office in Paris. I prosume that the proprietor of this firm Partini in Peris, who, by the May, was very often in our Mouthat Plant, empresented the G.D. Chem. in Paris shout these two morkers; at any sate, we didn't inform to the Gastapo. To but no particularly great interest in such people who didn't return from their was tien and who didn't want to mark.

- Then you maintain your statement that Hosehat never reported torkers to the Gestapo who didn't return from vacation.
- A We never did that.
- I Lr. Mirschel, in an exhibit of the Prosecution, an affidavit of De Bruyn that you also know, it was stated that the foreign workers were beaten in the clant.
- A That is quite impossible. Any beatings were forbidden in the plant and particularly beatings of foreign workers were forbidden.

 Of course in a plant employing twelve thousand workers there were alterestions now and then, that couldn't be helped, but then the guilty was always punished even if he was a German. In some cases we punished Germans who had beaten foreign workers.
- In. Hirschel you talked about the employment of foreign workers and about the maintenance of discipline. I want to know briefly from you what the plants did for the foreign workers in a positive respect for instance, their housing.
- A The foreign workers were housed in private billets and in our bachelor home, a brick building; then, in the halls of restaurants in Hoechst and the vicinity. By far the majority was housed in burgack camps; those berrack camps more the came as those used for the Reich Labor Service. They were newly constructed and were confortably equipped; they were heatable, had electric lights and We saw to it that the berracks were always warm in the mintertime. Since the coal that had been ellotted to us by the economic office ms not nearly sufficient for this purpose, ir. Jachne very magnanimously made available to us some coal that had been originally intended for the production of electric current. The barracks themselves were divided up into little rooms in which bunks were placed one above the other. They had straw mats on them; we had closets, tables, chairs in these barracks in an adequate amount. The more intelligent workers were given single-decker bods and also the women; the letters' beds were usually covered with shouts, and

- the little enilaren also had little bedsteads that were painted white.
- 2 Were there enough sanitary facilities?
- A Yes. In every camp there were latrines, washing facilities, shower boths, dayrooms and centeens. In the day rooms they had a radio make provided books; we bought periodicals, books and newspapers. All of the rooms were always kept clean. For this purpose we detailed charmomen who were paid by the plant. The vermin that the foreigners brought in was destroyed by frequent disinfections of the rooms, and through renewal of the straw in the straw bags.
 - 4 Do those chaps still exist today?
- . You, the comps are still existing today, the may they care in
 - 2 Bid the German guards become guilty of any excusses?
- A It was, of course, also forbidden to the German guards of the empt to best foreign workers or to punish them in any way. If a foreign worker had behaved improperly, the guard had the duty to report this. The guards of the camp had no weapons.
 - Gould a foreign worker couplain in any way?
- a Tes. The individual nationalities and elected their own so-called confidential representatives and these representatives could present requests and complaints at any time to the social malfare department, and they made use of this institution very liberally. I myself spoke to a confidential representative now and again who wanted something.
 - . One brief word shout the food.
- "The plant did whatever it could for the food. I had a very efficient expert; I had employed this Mr. Do Vries, a very efficient expert, in order to supervise the food for foreign workers. Professor Leutenschlagger and I always told this arm that money was to be no object in feeding these foreign workers.
- Thank you very much, Mr. Hirschel. The subject has been treated sufficiently here already. How about the medical care?

The medical care was sufficiently taken care of; the foreigners more cared for in the same menner as far as medical attention was concerned as the Germans were. We had two German plant physicians; one female physician and in addition, the foreign workers had a French physician and a Russian female doctor. There was one barracks which was excitable as a hospital for the sick which contained about 50 or 50 bods. This hospital barracks was used as a hospital for the Poles when the American Army occurred Moschet, which is proof for the fact that the hospital barracks was perfectly in order. Furthermore, we had a naturally word, perticularly for the female foreign workers, where a German nurse was employed full time.

If the Mirecial, we don't want to go into any more details, but perhaps in conclusion can you give us a summary about the reputation of the Moschat plant; how the foreign workers regarded the Moschat plant; what experiences you had about how the foreign workers felt in Moschat; thether they were very unbappy or whether they were fairly satisfied?

A. I want to emphasize once more that we did everything in Hoochst in order to the stay for the foreign workers as pleasant as possible in order to have willing workers with when one could work bost. That was the spirit which committed from les rs. Lautenschlager and Jackno. By far the imjerity of the foreign merkers, in my conviction, felt hoppy. They were satisfied with their work and with the cure that was given them. Of course, in view of the large number of foreign workers which passed through the camp, there were always cortain people who were foread by the preserve of those times to come to Houghst and the word therefore dissatisfied. One couldn't satisfy thuse people of course, but they were only rare exceptions. By far the largest part of the foreign workers felt differently. The French and Holgian loaned workers, who was obligated thomselves for six months at first, for the nest part remembed their working contracts voluntarily. They French and Bolgians and their wives join them which is an indication that they felt happy in Marchet. One can say that the attitude of the foreign workers towards the plant semage ant, to their immediate superiors, the foremen and supervisors, and to the other followworkers was very positive. The Russian verbors and famile workers particularly very soon developed a close relationship of confidence to their German colleagues. We always tried logive these people entertairment. We had wheatres, ausical performances. We had variety shows in the efternoons which I personally visited very frequently. We had Christins parties arranged separately for every nationality and to the great regret of my family I spent Christens Eve and the first Christmas Dar mostly with the foreign workers and only spont a few hours with my family and six children. As I think about all that, then I must say that one certainly cannot speak of any terrorization or enslavement of the foreign workers.

DR. PRIBLAR: This concludes the exemination of this witness,

Your Monor.

THE RESIDET: The presecution may cross exemine.

CHOSS EMANTIMATION

BY IR. VALL STRUCT:

- Q. Ir. Mrschel, will you kindly tell us what your present em-
- A. The prosent employment is exterminator. I am working in a firm which combats insects. We do practical exterminating work.
 - Q. What is the mane of the firm?
 - A. AED in Friedborg /Hosso. The General Externinating Survice.
- Q. How, ir. Hirschel, on your direct ammintion yesterday you were asked whether you liked or wolcomed the employment of foreignors and you answered: "No, we didn't like to take them in."

Now, as loader of the social department at Heachst you participated regularly in the directors ! makings did you not?

- A. You.
- Q. I now ask you if you remember making the following statement in a sworm affid wit which you gave to the presecution, and I quote:

William for the first time, the quantion of the employment of foreign labor came up in a director's marting, the management maintained with cortainty that foreign labor should be utilized. One can not say that the I. G. Farbon was against the amployment of foreign labor. Because German labor was not available in sufficient quantity, the management welcomed the angagement of foreign workers."

Now, do you remember making that statement, do you not?

- A. Yos, quito,
- Q. Hew, yestering you were asked about a tolotyped request for workers which was directed to the G. B. Chem. that is, Krauch's office from Hoochst and you stated that this teletype was in answer to a telegram of the B.B. Chem. who had offered the foreign workers to Hoochst. Do you remember making that statement?

- A. Too.
- Then shortly thereafter you stated that if you wanted that is, Bookst wanted to get foreign workers, you had to exaggarate. Now, will you please emplain to the Tribunal her it would come about that you had been effected torkers by G.E. Chem., on the one hand, and then have to exaggarate in order to get them, on the other hand?
- A. I clearly explained justorday that we were forced, because of the emergency situation, to employ forcign workers. We would, of course, have preferred to have employed German workers but we had to take the bitter pill and take in the forcign workers in order to must the schedule of the production slam which we were given. That is the reason....
- Q. I begiver perdon, ir. Hirschol. You apparently did not understand my quantich because you're not apparently it. I directed your etatentle not your testimony parterday wherein you said that Boochet had been effored furnigh workers by 0.3. Cham. and then, shortly thereafter in your testimony, you said that you had to emaggerate to 0.8.Chem., because you make still referring to this teletype, in order to get workers. Now, the precise question is, bear did it came about that you would be effored workers, on the one hand, and then have to congruente in order to get them?
- A. Moscist had been given a secondary classification and could get workers only with difficulty because the arrangets plants had priority in getting fereign workers and German workers. In order for us also to be able to get foreign workers we had to engagerate and to emphasize our most important production for, if we had indicated that we needed these people for storage rooms, etc., then I don't believe that we would have had any workers assigned to us.
- Q. How, ir. Exactal, getting down to the real facts, is it not true that instead of G.B. Chemic offering werfars to you, did you not actually, in the first instance, have to make explication to G.B. Chemic?
 - A. I don't quite understand the question.

- 9. I'll restate it. Is it not a fact, in order to get workers, foreign workers, through the organization of G.B. Chemie that you had to make an application to G.B. Chemie?
 - A. 165.
 - Q. Thand: Tou.
- A. We made use of that very frequently. We were in constant touch with the G.S. Chemie in order to get workers.
- O. Mow, ir. Mirschal, you mentioned yesterday that 250 French prisoners of war, who worked at Moschat, were civilianized in 1983.

 Now, will you explain to the Tribunal just that this term "civilianized" means, and, in parthousar, does it mean that the Trench prisoners of war, after they had become civilianized, were free to go home that is, back to Frence if they had so desirate
- A. No. A regulation was limited at the third that the French prisoners of wor, who were ready to continue work in a civilian status at the plants, should be civilianized. As far as I know, the Stalag asked the French prisoners of war who was ready to accept these conditions. By far the majority accepted and declared that they were ready to remain as civilian workers in Roschet. Only a very small minority of the prisoners of war did not accept this offer and because these people were only a few, they were transferred to mother camp by the Stalag. So, from 1913 on, we had no more prisoners of war but only French civilian workers who were given the same baparits as all the other foreign workers.

25 for 48-74 T-0-1-Loomerd-Mate Trunt 6 Cane 6 Q. In other mords, one of the primery prerequisites for getting t a civilianized rights one that the French I. .. would agree to stay - i tork at Hoodlat, is that right? A. Yos. Q. No . Mr. Mirachel, is it not true that you yourself notually ando he many he thron trips to Paris in the interest of socuring Franch crimers for Localist? 4. 103. 1. You, that's sufficient. You have emprored my question. Teank you. Nor, is it not true wise that the offerts of G. 2. Chimie in remaiting forkers fore direct a towards securion skilled markers? That is, workers the would most into the production programs of the chamical clants in Samminy. ... To received orm toman from Falsium on a loca basis arranged by the G.S. Chamie. -ron Iranes, so got unskilled merkers. .., of nourse, oppressed the desire to get people who and clroady worked in the chamical industry before, b t that request could be a mplied "ith only to a very small axtent. 4. Now, to essist the C.D. Chemie to cahieve the acquisition of merkers did you not, at one time, send o Dr. Sigen not only on tro trips to Paris but also on one trip to Italy? A. - G didn't sond by. Simon to Itely. The G.L. Chamis represtatetive in weisbe on did that. Dr. Sugather had asked us to make available and gentleman, and he named Dr. Simpa expressly, for a short pried of time in order to work on the recruitment of markers. That The a request of the Floripotentiary General for Chamical Freduction

Q. Now, Mr. Hirschol, who in Moochst had to approve of Dr. Simon's temporary leave from the plant of Herchst? ... uld that have been

in misbedon. Since we howed in this manor to get a we more workers,

To, of course, accoded to the request.

of far 19-19-19-1-2-lasterd-Mata

gru or mould it have been ir. Lautenschlanger or just the sould have to approve the t?

... The fine I approved was given by the plant manager. I discussed this offsir with Professor Leutensebleager in our doily enformers and I obtained his approved.

is now constantly being asked about that the affidavit he gave to the Prospection is not in ovidence I know exactly that the affidavit he gave to the Prospection is not in ovidence that he is also being that in ovidence the heat the affidavit he gave to the Prospection is not in ovidence that he are to being taked about subject matter which was not past of the Circle examin tion.

THE BRESIDER: what no ut that, Gounsals

the scope of the direct reministing of this mitness, particularly on the type of moreons which was alcord by Meachet through G.B. Grunia.

THE PRESIDENT: wall, that's not so for affeld from his testimony in which has to be improper. The objection is warraled.

the Cyr. par other question slong this line. Mr. Mirschil, in connection with Dr. Simon's trip to Paris. De you remember tolling the presention that this drive notted about one hundred can for Moschet ofter six to sight masks?

- You.
- Q. Throk you. You keys near rod my question. Thank you.

for, Mr. Hirschol, how many Gormons would you say word disciplined for borting or abusing foreign markers?

- ithrut having access to the files, it is, of e-urse, very difficult for me to fix the exact figure.....
 - Q. ..pproximately.
- ... But I astimate that on three or four recombine Gornen's more funished the had becten foreign markers.

at Mar 18-17-11-1-3-le nord-Arts Crost 6 Cose 6 .

- C. a more they disciplined or punished, as you say?
- A. The pure punished in meetrd need the the plant regulations.

 If a Borner we provided so that his action could be excused, then he are only given a reprimend. If that was not the case, then he was given a find and usually the foreign worker concerned was transferred to another factory so that he get different superiors.
- Q. Could you parhaps give me the name of one of this extinated number of four German various we ware disciplined?
 - L. Me, unfortunately, I emmant a that.
- this marning that is occur never reported foreigners to the Sesteps or to the SS own did not return from lacvo and that Accept the next lattracted in markers who did not return and did not want to mark. Now, I am going to refer a document to you, Prospection's Exhibit 1963. NI 6151, which is found in Frag cution's wrongent Eock 69, English the, Green 177. These are the minutes of a Wingau technical moveing hold at Frankfurt-Moochet on 24 January 1944 and attended, many others. by we Instantance has gourself. On page 3 of the anglish copy, I queter

"Cabhardt reports that from 1 February 1966 on the operating firms in Solgium are equin allowed to hire teckers and it is hepos that it will look to an increased employment of foreigners. It is intended, at our instigntion, that the SS take measures against the foreigners the do not rature from their leaves."

That is all I have, Your Honors.

THE PLESTORIT; Did you ask him any quastion?

TR. VAN STREET: No. I didn't ask him saything. I just conted to show him the document.

THE FRANCET: First would be the purpose of shewing him the decument unless it is the besis of some interrogetion, Mr. Prescouter?

FR. V.M STREET: To rebutt. I led up to it.

25 Mar 48-11-15-4-4-Located-Ketz Court & Casa 6 not sok him about it.

TE FRESIDET: It muldn't help to show someting to him and

ST 15. Vall STREET: Very woll, I'll mak him to quastion.

- Q. Do you have any comment on that, ir. Rirachol?
- ... Yos. This was a roport of Daginour Gobhardt in the Directorthis souting about a trip that h. midd to Bolgium. This sontaned "against forelga porkers who did not return from larve", and thus. "the SS are to take stope against these at our instigntion" is a passage from the riport of ir. Subherdt and not a resolution of the Directorate's moting. What Mr. Goldwirdt mated to express by this at the time I do not know any more today, but I nesume that the S.S.Ch. mae in Erusable minted to take atigs against people me didn't return from loov; by contacting the SS if those wir did not roturn more reported by we But that's only on resumption of mino. One would have to mak it, bubbardt shout this point.
 - 4. The signed the minutes of this portionly mosting?
- A. Professor Inutenschlagger signed it and I proposed the sectual:
 - Q. Tinnk you. That concluing my cross examination. THE PRESIDENT: -nything further fith this mitness? Dr. Fricillo?

RESIRECT EXAMINATION

ST DE. PRISTILL

- ir. Frasident, unfortunctely I am ferced to put a few questions since the prosecution interreg tod this witness rather lengthily.
- Q. Dr. Hirschol, first of all, the last decement that the prostcutor submitted to you. Do you yourself still remember this meting?
 - A. Mo, I can't remember this meeting any more. Not I.
- Q. Can you say phother any resolution was over made in this Disting or in any other meeting of the management that Hoochst wented 10012

to report foreign morkers?

- the SS ms never under by Hoochst. We, of course, did report than to the labor Office because that was our duty.
- Que you still maintain your assortion that the possibility of reporting perkors to the Costope was never used?
 - i. No, it was never used.
- Q. Con you tell us a few words may that wasn't denot one that additionate attitude of the averagement of Macchett
- A. You, one can say that. Thes was a delicarate procedure on the cart of the accomponent. a didn't spen to have too much to do with the Jestipe.
- For is. We directed, you were maked about it. Simon's trips to

 For is. I don't want to take up the Tribunal's time, but want to put

 something to you wan briefly. That's a decement from my Docu unt Book

 #1. Jackson Document 15 on page 42. I'll live you the exhibit number

 1 tor. On page 3, it. Simon at a about the trip to Ferle I queter

 It's an page 14 of the document book. This is Jackson Exhibit 132. I

 quote: "The necessar plant did not maintain any recraiting remains

 about a last essistance it rendered consisted in detailing from time

 to time so-called limison officers for limited periods of time. It was

 their business to in orm foreign workers she want to Germany to work

 of the type of work, wages, board and lodging, and conditions in general
 in order to unke differences of opinion impossible from coming to Hoochst

 who would have order trouble constantly. Can you, from your own

 knowledge, say whether this is a correct description of Mr. Simon't

 sativity:

- ... No, Dr. Simon was not temporarily detailed. Dr. Simon went to Paris only for two or three days in order to take up contact with the G.B. Chem. in Paris. But we requested Dr. Stellmann, who was a retired Ferben chemist, to go to Paris for a few wasks as a liaison man. He was to become active in the same in which Dr. Simon has expressed it in his affidavit.
- 2. Prom this statement I take it that one wanted to recruit workers and that these implies were voluntary workers, is that correct?
 - IR. SPARCHER: Just a second. we object to that as very leading.
- THE PRESIDENT: That is landing. The objection is sustained.
 BY DR. PRIBILLA:
- Then I will ask you something else. You were asked about the French prisoners of war who were civilianized. Did the Hoechst plant also have German workers who were drafted for labor in the Woschst plant?
- plant and marked there. During the later years there were even married women who no longer had small children, and who were drafted for labor.
- C. That is anough. Dr. Hirachal, could these drafted Ourman workers, at any time, stop working and go home?
 - a. No, that was forbidden, too.
- Q. What would have happened to such a worker who would have stoppad working neverthalass?
- A. We would first have made use of the internal punitive measures within the plant.
- it fixeuss me if I interrupt you. We don't want to hear about the me sures that the plant could take itself. What would have happened to such a person if the police had caught him in some other town? Would he have been punished?
- out leave.

DR. PRIBILLA: Thank you very much. I have no further questions.

THE PRESIDENT: Anything also of this witness?

BY JUDGE MORRIS:

- Q. I wanted to ask the witness a couple of questions. About the prisoners of war concerning which you have testified that were civilian—ized at the time they made application to become civilians they were working in the plant at Hoschet, were they?
- A. I can't remember that any more. I believe that this question was handled by the Stalag that is the armed forces, and the Stalag than informed us that a certain number of French prisoners of war, and he gave us their names, want to become civilianized and continue to work, but that the process itself was I don't know.
- I am asking you which is or not at the time they made application to be civilianized they were already working in the Hoschet plant.
- A. I don't know enything about that. I understand your question to mean whather the French were still prisoners of war when they made application to us to become civilianized. Is that right?
 - Q. Yas.
 - As I can't remember.
- Q. Well, let me put it another way. Did you employ, in your plant, French prisoners of war before they became civilianized?
 - A. Yes.
 - Q. You did.
 - a. The Franch prisoners of war had been in the plant from 1941 on.
- Q. Yes. Now, what advantage did they obtain by becoming civilianized — that is changing their status from prisoners of war to civilians?
- A. First, they were able to leave frauly just like any other German worker. He was no longer guarded, He was no longer behind barbed wire an not guarded any more by German soldiers. This Frenchman was given German food that is the camp food which was higher than the normal food

rations for Garman civilian workers. Furthermore, he received the same may as the German workers or if he was an employee he received the any ployee's mage. Bacause from among these prisoners of war we also selected people to work as commercial man win were given an employee's contract.

workers, they were not free though to quit and go back to France, were they?

A. They, of course, had signed a working contract for a certain length of time. I don't know any more for what period of time this contract ran. I assume that it also was extended for another six months. These people were permitted to go on leave to France.

JUDGE | O RIS: Thank you. That is all.

THE PRESIDENT: Do you have anything further, Dr. Pribilla?

DR. PRIBILLA: No.

THE PRESIDENT: Does envoue have onything further with this witness?
Then you are excused, witness, from further attendance.

what is your pleasure now, Ur. P. billa?

DR. FRIBILLA: I want to call my last witness, ir. Poshn.

THE FRESIDENT: The Marshal will bring in the witness.

(Mr. mans Poshn, a witness for the defense took the stand).

i'r. Witness, will you plans remain standing, raise your right hand, say "I", and state your name for the record.

THE WITHESS: I, Hans Poehn -

THE PRESIDENT: Now repeat after me the oath -- swear by God the Almighty and Omnisciant that I will speak the pure truth, and that I will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. PRIBILIA:

- Q. Mr. Witness, please give your full name for the record.
- A. Hans Poshn.
- Co. When and where were you born?
- a. On 21 July 1883.
- Q. Mr. Poshn, would you please tell us how long you have been working for the Farben pl nt in Hoschst and what work you were doing there?
- 26 years. I entered on 1 November 1919. First I was put to work as an associate director of the melfare department. Then I was a deputy manager of the plant administration department and later I was its sole chief. The plant administration comprised the work that was not directly either of a chanical, technicalar commercial nature, and these people, in order to take the brunt of this type of mork from these other people my work comprised the loading places, the traffic control, the feeding of Sarman workers, the equipment, storage rooms for clothing, laundry, sanitary facilities, day rooms, which rooms, and the Mike. But first of all the accident prevention in the camp, the preventive fire protection and fire protection itself and work security and also the arrangement of inspections of our plants and visits to our plants.
 - Q. Did you have to take core of air raid precautions also?
- A. By reason of my activities that I have mentioned, I was appointed chief air raid warden in 1931. In 1935 I was appointed counter-intelligence agent of the plant.

- Tr. Foshe, do I understand you correctly that your position was now more responsible for the overall discipling in the plants?
- A I was responsible for the security, the discipline out the eneral clearliness in the plant.
- 2 Tem as strategic and disciplinary officer you would have had to be a safely time if my graph rations for Mar had been made.
- A Tes, certaining that is the or o, but I am firmly convinced in the ere was not a sin le person in Moschet who ever thought that war mini on a riout, and perticularly not those people the were in during of us -- I'r. Jachne and rolessor Lautened lacter. I want to mention the facts to this connection. In the later summer of 1939 very stortly ofore the outbresk of war, the business wansper of the food installations told we the following - a ministale food dealer had collad tim on the phone and had cold in the ta large last in our jurisdiction had bought times carloads of moodles in or ar to store them for their food stock. This lar a lant, and I know that, are in close contest with . lar e American ente mrise - tral is, with people wose per ter insight cold letter recommine the postable clinical situation than a could -- and I recome evapicio s. The reform I saked r. Japane, lear e I alim s had the privile a of soing directly to to Vorstand members and re ort to then, withher he would not apply for a credit of 100,000 to 150,000 reichwarks for storing of food. I said that we would use t ese foodstuffe later if it was unnecessary to do so. ir. Jaenne replied, and I can only give you the sense of his words - he said: "I am not going to apply for this credit. Mo resconable human bein, thinks that wer will come about and such hysteria only increase the nervousness and bring disorder into out plant." A few days later, I still remember this very clearly, I a proceded Hy. Jachne with the question has we should conduct ourselves towards cer win demands of the air raid spencies made of us which I considered eracerated, and in that connection I emphasized a min that he always rejected anything unressonable - that he shared things down if 'e could not do it in any other may -- merely by not a proving the necessary credit.

And then Mr. Jackne enswered me and I will only give you the meaning of is words: "The authorities caused us many troubles and one is always psychologically opposed to them — perhaps even se dy to fight them — but sobody will be stipid enough to start war I hope."

If. Pound, you were speaking from the sir raid precontions and you already have short out an atticipit about this subject which his. ter lear subject which his documents. I prefore I want to touch on this point only very brieff. You, as the decisive person for the sir raid precontions in Hoochst, were an expert in that field. Can be answer the question whether any of these reaches of the authorities indicated that a mar of appreciant was being planted?

A No, they didn't indicate that. If one interprets air raid precaution methods as an alressive intention, that would be the same as saying that you keep a fire department in order to have fires or if a mining director has an accident prevention group in order to have accidents in his mine.

One not not confuse "with the purpose of" with "in case". The nir raid precaution measures were is tituted on the basis of negotations that took place in Paris in May 1926 when Paragraph 198 of the Versailles Treaty was discussed and these acceures here permitted for Germany when all the other countries around Germany to an to pour their air fleuts. The nonespapers of the foreign countries to an to deal with this question.

I remember a pay blot of an Indian amoral paking serious statements about this subject. The every cut of Prace-Severing in Pressie at the time instituted air raid precautions.

Q Mr. Poshn, excuse me if I imporrupt you. We don't want to go too for efield. I want to ask you specifically. Wes very much done in the Mocchet plant in the way of air raid precentions?

I must say this first. For the civilian air raid precautions the Reich Association Industry, the later Reic. Group I dustry was responsible in order to keep a protecting hand over the plants so that no exaggerated or impossible demands should be indeed and industry welcomed their taking that e. We in Moschet executed wint the Reich Group I dustry prescribed

for us. "e couldn't le ve them in the lurch because we could not afford to lose their protecting effect for the safeguarding of the plant. iffed to that, the Hoochst plant stready had a very excellent accident prevantion systme. That is necessary for a chemical plant. We had a fire is art and with all the necessary equipment for combatting estastrophics in the wint. The use of the ps lisk wer customery in the "pochet lant for incodes. It's a tool for the worker that he often uses in a prevention Tr because in main brucks or other disturbances there whit he a washil offset of acids and passes on is health. We had course for the maick treetment of sick and wounded that were worked out to the smillest details, and therefore we are in a position to most the fluor ids that were inde placet before they were mide. The task That to were given in 1931 during a lacture in which I perticipated, we imporproted to mean that we went to use the ghost of the air wer to investigate and to chack over the ecident prevention system in our plant. I know that when I give alle leeburg rooms this subject the Jahn said, "Yory well - we are also a going to make available money for accident provention in the plant but not for any institutions that have nothing to do with the production and the manufactures in our plants. We are a pance plant and we are not a corrects for soldiers." This position of evolding any disap dicetion of equitel was strictly onforced by ir. Jahne. I rene i r one instence televe to war broke out. Ir. Justine pave me the order to reject the entire budget in a mosting of "a brough of the Toich Group I dustry -- to reject this entire budget which was proposed because he didn't consider it proper to make too mich money available to this agency because they would only interfere in the affairs of the plant to a greater degree. When the war broke out we word douloged with a good accident provention system, but our air raid procedution system was not ready for war. The mir raid shelters were splinter-proof and perhaps also protected against fragmentation, but not against direct hits. I am firmly convinced that the plant management - that is if. Jachne, and ir. Lautenschlaeger - if they had only had the

request idea that a war would come, they would have taken different steps. We only constructed a real safe bunker equinst bombs in the last year of the war.

Q I'r. Foshn, the prosecution has contended here that already before the war air raid managers had been instituted.

A The expression wer graces are even used and that expression is entirely arong. Air raid precention tests or maneuvers were a shock of the air raid warden as to weather or not he are the suitable person and winther he had the nece sary staming and nerves to be able to good the crisis of such a second which his he be the result of an air raid. Whether he is able, while the contricted maps at his disposal, to recognize at a warly time, where he are going to use them in order to save human lives and property.

Thank you work man, I . Poshn. I think that is shough. I want to ask you seasthing else.

THE BUESIDENT: We will now have our rocess.

THE IMPSHAL: The Tribunal is again in session.

DR. TRABARDY (Counsel for defendant Duerrfeld): Your Honors, before the examination of the witness continues, I should like to ask you to excuse my client, Dr. Duerrfeld, for this efternoon and for the next two days. We need that time in order to prepare our defense.

The Free Tou know, of course, there is no court tomorrow or only anyway. Did you mean for next Tuesday?

III. IMARANDT: The two next days in which we are in session. That in Tuesday and Wednesday.

THE PRESIDENT: These are granted.

LY Mr. EXELLA (Counsel for defendant Jackne):

Q Witness, you had a large number of foreign workers in the Noschat plant. Did these also participate in the air reid precautionary measures of the plant?

A The foreign workers did participate in those air raids precautionary installations. Fr. Jackme had ordered who was to sit with us at our cask and who was working with us at the same machine, whoever was standing and working at the same lathe, was entitled to receive the same protection at the very same spot as the German worker. This was not entirely in line with the official directive but for reasons of humanity we thought that would be the only correct course of action.

I was in charge of supervising the air raid precautions in the various cames. Here care was taken to the greatest extent. If the camp was not close to a tank then water was supplied in order to extinguish any fires which might erise. The camp guards and foreign workers composed voluntary fire guards from their own ranks which were equiped with mobile hoses, fire hoses, with fire extinguishing material and equipped with everything else which was necessary in case of catastrophe.

I can, cite an example. During an attack a number of incendiary bombs dropped into a camp of Eussian workers. One barrack was immediately aflame. The fire was extinguished, with it it being able to go over into other barracks, in spite of the severe wind blowing. When submitting our

report on that fire the Reich-Group Industry recognized this particular instance as an example of care in order to prevent catestrophe in compact foreign workers.

Q Witness, my question was intended to have you tell me whother the foreigners could use the mir raid shelters in the same way as the dermans.

A Tes. I already said that the work management held the point of the that the foreign worker who worked with the Germans is also entitled to the same air raid protection.

I lithess, you said that you more entrusted with the discipline in the plant. I assume that that meant that you had to prevent punishable sections taking place and that you had to take appropriate measures. How did you do that?

A The prevention of punishable acts was the aim of the Hoschst plant. Everything was done in order to eliminate any temptation to commit any crimes in a plant like that where thefts can easily occur. Almordy in the year 1920 the plant had instituted a plant guard. These purels were special clothing. They were black trousers, blue jacket and a cap. The jacket was double breasted. This looked like the clothing of a concierge. Anything which could in any way resemble a military uniform was intentionally evoided. These guards were to be recognizable from sfar. If samebody was subject to any sort of temptation and if he then saw one of these guards approaching then did not commit anything we were contisted with this result.

Q Mitness, were these guards under your supervision?

A Yes. These guards were under m supervision in my capacity as abovely representative and head of the working discipling.

Q Mr. Poehn, what were the directives given to you by the works namegoment, by Mr. Lautenschlager and Mr. Jachne, with respect to the commitment of these guards?

A In the Hoechst plant we had a principle which all of us made our own. We had a principle in the Hoechst plant to the effect that the

Forchst plant was to distinguish itself that during the war it never had to impose any punishments and resort to police measures.

Q Does that mean that you disn't want to use the assistance of the police and the authorities?

A No. We didn't want to use the help of the police or the authorities. Let me point out to you that during the war these guards were to be given responsibilities of policemen. Then the gentlemen of the armament inspectorate came to me who was to give them these responsibilities, I rejected that course because police responsibilities would have obligated the guard to report any crime to the police. This would have taken away from the working menagement the opportunity to be merciful and and to aleviate any police measures, only later when the armament inspectorate and the authorities gave us the permission that all such reports should at first come to me in my capacity as Abwehr representative. We formally fulfilled our obligation to the authorities and, on the other and, were still the masters in our own house. It meant that the working management itself could decide whether a crime was severe enough to be reported or whether it was purely a small matter which could be dealt with summarily.

- Q. Mr. Foelm, you said before that it was a principle of the plant not to report to the police any punishable acts. Did that hold true for foreign workers?
 - i. You, in agretly the sens way.
- C. Caroughout the entire time, did you hear of any remorts according to which foreign workers were besten at the plant?
- A. The Hoochet plant did not know of any bostings. That would not have been in line with the honor of the plant remagnent and its ampleyees. A besting of workers was always forbidden and always punishable. However, I do remarker are case. A foreign who ordinarily acted very called gave an order to a Folish worker, whereupon the Folish worker replied to wide with an insult. The foreign reacted to this insult by besting the Fole. However, the foreign lost his tamper. The foreign was told that, and the works impregment reprinted thin. Nothing beganed to the Fole, only in order to avoid further incidents he was transferred to another place of work. Later I saked about his conduct and I found out that he remained a good worker. I myself, in my especity as Abrebr representative, reported this case to the Abrebr Office in Frankfurt. To avoid runors being seread, I wented to avoid any impression that the besting of foreign workers was telerated at the Hoschet plant.
- Q. Wes this ettitude which was described, the ettitude of the works management toward foreign workers, also emplicable to erisoners of war!
- A. You, it spoiled to prisoners of wer to the same extent. I can saw that the works management acted in accordance with a phrase I coined—. The most honorable worker who worked for us at the Hoschet plant was the prisoner of war. We had the misfortune to have been captured at the lettle front. But that was something which we must never let him feel. We always endeavored to treat prisoners of war as we wanted to be treated ourselves; as we wanted our fathers, brothers, and sons to be treated if they had the misfortune to be captured as prisoners of war.

I can gite yet another example. That took place in the fall of 1944, that is, during a time when were severe air attacks were being partied out over Fr skiurt and Brocket. It was a time when the worker, when saying goodby to his wife and his children when poing to work, did not know if he would again find his family alive and his house at still standing. At that time there was a psychosis of hetrod and misunderstanding sound the airmon, and that was shown whenever ther had the misfortune to beil out. This was a conceptor which I, as an old Frussian officer, could not show.

During one of these days, during an eig reid warming, a remort cane that an energy floor had betted out with his percebute and was likely to lead near the plant. I want irredicted to the Cuardroom tracesse it was at air raid warming and supreme was down in the shelter. The local head of the parts was i modifically ment with my car to the non-new part of the plant, where we exceed the first to land. I gave but the order is see to it that all exploress were to stay domestains in their electors and that they should take owne of the flyer the coment by Indian. The chief of the guards called he my afterwards that the flyer had I made at the edge of the western part of the plant and that there was a great deal of unrest. I immediately ordered my car to return and I passengelly went there a.

The production is related as we can get back to somethin; which appears to invocate relatency. I don't know of any charge that this question of a percentist on the Rocchet plant could involve at the moment.

DR. PRIBILLA (Counsel for defendent Jackne): Your Honor, may I what one remark in that connection? I sak you to permit the witness to cention another three sentences. He is now describing what the attitude of the works management was, and I think this incident is wary significant as to the attitude of the gentlemen of the Honorham plant.

37 DR. FRIBINAL:

Q. Witness, will you please be as brief as possible?

35 March M-JF-3-3-Schwab (Int. Senlow)

SHE FREE DEM: First is of var remote importance here, but if he takes it short and you will have it over, go shoed.

DR. ERIBIIZA: Chimb you, Mr. Propings.

incher to come along. I saw to it that he was benieved, and I personally telephoned a well-known officer who was stationed meanty and I handed the fiver over to him in an orderly faction. The Party scencies historily privileted by attitude in this respect. The Party scencies historily privileted by attitude in this respect. The Party scencies historily reproceded so for my action. Then I went to Jackse and I reported to him that event. In gave we both his bonds and he said. "You noted quite correctly, if empthing broppened to you from the Party google, that we are going to protect you," and that is exactly how it, lautemackse, a give to. "You will require every societage from ye."

BY DR. PRIBILLA:

I must but one more question to you. I think you forgot is constant something.

Is it true that this flyer was in factor of being lyanned by the crowd gathered there?

A. Yes, he was in that danger, I had to be were severe in order to get the mob back into the moditor where they telephod.

THE FARSILET: I think you have gursued that enough, kr. Councel.

- Q. Mr. Poolin, you were an Abyohr representative of the plant, were you not? In that capacity did you report foreign workers to the Sestago for penal measures?
- A. At no time did I report any foreign worker to the Gestero for the worker to be punished. On the contrary, again and again I was ordered in the works renegement whenever they received invaledge of anyone having

20057

35 Arch-W-JF-9-4-Schwab (Int. Remler) Court VI Case VI

heen errested to see to it that the plant got these people back. And I sexually succeeded in that.

I may say that that was mentioned expressly in my denazification report; that was considered to be an exporating factor,

- S. One nore question, Mr. Poelm. As former Abvehr representative of the Hoochet plant, could you perhaps tell us who insued the order for the destruction of secret files?
- The order for the destruction of all Abmehr files was given by the military agencies. The order for the destruction of air raid files was probably given upon the instigation of the Air Force agencies.

 All these files were secret, and all secret files were to be destroyed.
- Q. Mr. Poelm, do you know that the works management had issued on order to destroy an files with reference to questions concerning foreign workers?
- A. No. I know nothing about that, and I don't believe that any such order had been issued, because the files about foreign workers are still available.
- Q. Mr. Poeffn, a last question. You gained insight into all the offices of the plant and you know exactly what went on. What was your impression about the foreign workers? Do you think that they liked to work in the plant, or would you consider them as having been slaved at the plant?
- A. The expression "slave labor" does not apply to the Roschat plant. I should like to give one fact to you. The expension of the fire guard and the substitution for those people who had been drafted into the Webrascht forced us to get voluntary neople into the fire guard, and I think fifty per cent of our volunteers were Dutchmen. These Dutchmen liked it very much and they were housed in the same way as our own firemen. They had to do the same service and they received the same food. They did not only help us at the plant but whenever we had to go out to Frankfurt they went out with us. The city of Frankfurt repeatedly thanked the plant

25 derci-W-JF-9-5-Schweb (Int. Bemler) Court VI See VI

for our cooperation; because they managed to save valuable human lives during air raid.

I must saw that I, as an Abychr representative, often got into senflict with the air raid presentionary chief, which was also my job.

The firemen is the men who knows all the places of denger at the place, and of course in a chemical plant there are many such points of langer. At that time I confidentially numed to are Jackne and I told him about that. Mr. Jackne said, "If you, as an Absohr representative, think that their could be done, take it under your responsibility; and than I as a Verstand member will be responsible for your actions too."

and these people never disappointed us. They get loave to their home countries up to thirty days, and it was never my improcules that they aver betrayed any confidence made to them in their expectity as firemen. One or them is still with us.

They all returned from their leave and they often brought their brothers and cousins with them because they liked it so much with us. You don't think you can designate that relationship of confidence as slave . Is bor.

Q. Chank you very much.

14 L.

172

* ****

71 7

I have no further questions to the witness.

25 wefch-W-JP-10-1-Schweb (Int. Benler) Court VI Ceso VI

THE PRESIDENT: Any further exemination of this witness by counsel for the Defense!

BY DR. ESTATE DIR (Counsel for the defendent Schneider)!

- I should like to ask you have the Abwahr representatives were appointed by the ONY and how that appointment was confirmed by the Reich Security Wall Office. Tell me how these resulations were made and how they were executed. Did you understand my question?
- L. Yes, I did. To become Absolur representatives in 1935. At first. upon the orders of the Ministry of Mar later upon orders of the ONW. It is known that the SS, in their ambition tried to interfere with everything that was done by the Army. For a long time Admiral Canaria succeeded in opposing their interference. Then, however, he ordered that if the SS wanted Absolur representative they should use the same ones which were regimble to the ONW. If they did not like to do that, they would have to state their reasons.

This view of admiral Consris's, I assume, indicated that he wanted to oppose the S5 and any of their interferences. He retained his former absolute representatives and we received a pass according to which we also were available to the S5. But essentially we remained what we were before; we remained Absolute representatives of the ONG.

Q. Thenk you very much.

The PHESIDER: Anything further, gentlemen of the Defense? Then the Prosecution may cross-exemine.

MA'S POZET (Continued)

CROSS EXAMINATION

BY ME. SPRECHER:

42 21

- Q. Just a few personal things about you, witness. What unit did you serve with in the First forld Wer!
- A. During the First World Wer I first was an infantry officer.
 Finally I was active in the General Staff. My last office was General Staff

25 Herch-M-JF-10-2-Schoab (Int. Remler) Court VI Gasa VI Officer in the High Command of Army Group Scholz. After the collapse of the Frussian Army I resigned and I was never again active in the cilitary service. 4. What was your highest rank during the First World War? A. Captain; but I received my majority when I resigned. Q. Was your ealary over 20,000 marks throughout the period of the Jasi regime? A. The highest salary at Hoschat was 25,000 marks, but I received that salary for only a few years. Q. Now, I sak you if at any time during the Bazi regime it was less 125 20,000. A. Certainly; but I can't tell you that with cortainty. Let me state, however, that my activity as Absohr representative and the head of the guards was done in addition to my other activity, without any Extra remineration in order to deal with that task free of may burden on my conscience. Q. Mere you an abyohr-man before 1935 in the Foechet plant? A. Before 1935 there were no Abwehr representatives. Q. Now, as the Absohr representative, did you have to see that the security regulations were enforced? Is that what you said? A. You. What security regulations are you referring to? Do you bean the protection of the plant, protection against any catastrophes at the plant? Or protection against espionage and sabotage? Q. I refer to the hemdling of files and the regulations concerning secret matters in the plant: Socess to secret processes, access to correspondence. A. Every office which dealt with any secret-material received its directiges from that office from which it received its assignments. With respect to that material, I neturally saw to it that no secret arges were unlocked and that no important files were left around the desks. Again and again I saw to it that it was investigated in the various offices 10031

whether any files which were supposed to be secret wore left lying eround.
That easily happened. If that happened, those files were locked easy and the next day they were again distributed, with a little reprimend to be more careful in the future.

- Q. Did you get the directives whi were issued concerning the keeming secret of certain types of documents, or not?
- A. That do you mean by Oh was, the keeping secret of secret documents was prescribed in a directive issued to all Abwahr representatives. This was issued at first by the War Ministry in 1936, and then later in an amended form in 1939. These regulations were passed on to all offices who dealt with secret matters.
- W. Now, do you know where the so-called "Nob" Nobilization foliors were kept in Escapse?
- A. They were not kept at my place, but they were kept at the office of the gentlemen who worked on these matters.
 - Q. That office was that and what gentlemen worked on thom?
- In my opinion the lest one was Dr. Holdenke. That was in the office of the plant leader. I think it was in the Directorate Department or the Secretariat of the Directorate. It is possible, however, that offices which directly had to work on one particular aspect with the authorities kept their files in a so-called steel safe.
- C. Now, did you, we the Chief Absohr men in Hoschet, see to it that the Hoschet files, which have been shown in this courtroom, physically, the Hoschet mobilization folders, were properly guarded, or didn't you?
- i. The expression "Chief Absohr Representative" is incorrect.
 We Absohr representatives did not have various ronks, but we all held the
 same rank. Would you please repeat the other part of your question?
- Q. Is it true then that you were just one of many Abwehr represent
- A. I was the senior representative. At first I was alone in that capacity, and later the heads of the Personnel Department became Abwehr

25 March-Mi-JP-10-4-Schrab (Int. Ramler) Court TI Cese VI

representatives. And then my deputy, who was Fire Engineer, also became an Abwehr representative in order to safeguard the security of the plant in case of fire, etc.

or did you not? Can you enswer that yes, or not? You either had authority over them, or you did not.

in a conredoly memor.

was affected by the mobilization plan, is that right?

A No.

C All right. That is fine. That is all. If you didn't have --

A I must make a statement. If I am a witness you must per mit me to make a statement.

Q You have answered the question.

THE PRESIDENT: Counsel, let him make the statement. If it is not appropriate, you may move to strike it out. Fer. he wants to qualify his positive answer. There may be some exception so it. Go aload and complete your answer.

THE WITHESS: I don't want to make any I mitations. I just want

25 Merch 1948-4-MSD-11-2-Gaylord (Banler) Court VI, C-se VI

to avoid any isunderstanding. I don't want to leave out anything. I want to say that the store of the wals, as far as it had to do with protection against fire, was known to us, but the planning of sucrate was done by those gentlesen who were in charge.

BY R. SPRECHETT:

- Q Were you informed about the stock piling of certain materials for the event of the mobilisation, or meren't you? Flease just tell me whether you were or whether you weren't.
 - A I didn't quite understand your question.
 - @ Stock piling.
 - A Stock piling of mobilization materials at the Moschat plant?
 - Q Stock piling in properation --
- A I know nothing about any such stock piling of mobilization materials at the Hoschat plant.
- Q. Did you know saything about the obilization plan is so far as it involved fuel and power at the Hoschet plant?
 - A Mothing Whetsouver.
- Q Did you know anything because of your Assubr activity or because of your administrative position about the general mobilization plans and the general compilation of figures concurring the products to be produced and to be prepared for production in Case A, in the case of sobilization?
 - A No, that was a matter for another office.
- /2 Did you say you had semething to do with transportation in -
 - A No, only trucks and passenger cars.
- Q Did you have anything to do with the priorities which were to be issued on various types of material in case of mobilization? (
 - A No.
- Q Was your office in the directorate building along with Professor Debue's and Dr. Lautenschlacger's?
 - A Would you repeat the question?

- Q Te your office in the same building with the directorate in
- A My office was in the risr and of the main administrative building in which trofessor Lautenschlager had his office too. Idractor from his his office in the tochnical administrative building which we leaded on the other side of the strout.
- no Did you ever set a proximately 30 miles, all of which was
 - A No.
- I for you said there the a cortain serveness developed in the plant before the wor. Then were there?
- A I didn't may that a certain nervolated provided in the last before the 'ni. The Mant didn't know that the mer would once to a. They never thought of a wer.
- O Non the told you dealer that him you done to take?
- A No. who regulations came From the Poich Group Laurery. "
 Although pointed cut to you the taken Reich Air 'Injury introverse' and
 lessed these in perphlat form.
- I Did they tell you what kind of ris raid bunkers to make believe 1939, or did they not?
- A Sofore 1939 only meriling about a local tilt in or or to rother the vortoers against splinters and class.
- I That is not quite an entire to the question. I said on an to the told you, if anybody, as to dust kind of an air wild stolker you never to make?
- A There was a regulation about the wilding of sir raid stalters which was issued by the Reich Group I, wastry to all the Mants of the German Reich.
- And they told you what kind of materials or what kind of air raid sholters to make, or did they not?

- is the said in those directives how the shalters are to be constructed; or they are to be continued, atc.
- q Thank you. That's what I maked so how. That is enough. I fust wented to more if the womletions sold you should that,
- A Tes, the remulations provided exactly now one was to consumed these times.
- ? You, did you build any air raid shelters before 1935 when Germany occupied the Rhineland?
 - A No.
- Q Did you build any before the sanctions were applied to Italy after Italy inveded Ethiopin? That was in1935 too. Did you build any before then?
- A The first air raid shilter to a constructed towards the and of the World War. Before that, we only and sumiliery air raid rooms.
- Q Wors my sir raid protection shelters or measures taken before
 1935? I am not only weaking about bunkurs. One Tribilla said you possibly
 think I am talk no about he kees under the winth.
 - A No constructed whit we directed of the Tyleh Troop Industry.
 - G I replies that. for them did you do the to
- A In the year 1931, rir reid protectation measures storied. Would you places permit me to finish my sentence?
- 9 I asked you a simple westion, I believe. When did you first build a shelter for air raid protection?

THE PINITEST: Pordon so, "r. Prosocutor. Is it your theory that the building of air raid shelters, if such mere built back in 1931 or at any other time, supports a charge of meging an eggressive har or propering for it? Is that your theory?

III. SPECIET: "r. President, I used to do some boxing and if I
Was going to do some boxin. I soulted my bands in tomic soid so that they'd
be tough. If I as goods to so into relatis country, I take enti-makeria
Fills. If I am engaging in as ressive colicies or know that aggressive
policies are being encared in, I have ment to take some accounts in order

to defend muself a ter the second country to live to my againstion.

THE PUBLICIES: Then recording to your theory, a proper of invient development would mustain that charge?

TR. STEREST: It wouldn't sectain the at r.o. but if it was taken thin a great amount of scientific ciplication and in comment. It's a state amount of bankest and a great amount of proposedness for " wesion, I would think that that had a wary direct relation.

THE PESSITE'Y: Wol'l, we will possit you to argue that. I just oughtest that you are to ring ore time, it means to me, then this item is north. I am not an ing that it wint not a technically empetent. But, after all, there is a place for some a and discretion as to whent how for we to on it.

The Market Too, by transident. I am tring a little difficulty with the minness. If I could get a responsive a mark them I amb for the instant of schooling that believe bout sourcing other was the a, I'd seprendent its.

12 R. 5 TOTT9:

I I taked you is turned 1915 on built and type of air aid travetton by way of a furter or by any of a shelter or by any of min sheing maller

A Defore 1937 we built such shelters. A program was grower and for us from your to year which had to be fulfilled. It as not awading your sucations.

Q Ween did you first make such a building installation -- ectually install some physical property in order to coming with mir weld protection?

A In 1931, as I already said, we received the order. The contrant of the TENO mosting said at the time, "Mentover is necessary for the Allevantion of accidents for our workers is necessary, and we are the soney for that,"

Q May I ask the mair to give as a little . Laistener wit Wat a ship of that I get a responsive ensur?

THE P. SINEST: I think that is on answer. He said them so would for

They got the orders as to must they were going to do. Nowiro argume; with him because he says it was partly for protection regimes -actions in the plant, and you are oridently trying to get him to say it was just for some other purpose. Haybe he doesn't want to say that.

of uriose really is.

ving to jot over this pratty quickly here, and the Tribunal has to help to direct this examination here. Now he will ask you a question and. No. Witness, answer it as directly and briefly as possible. We are spending too such time on a very small enters here. On ahead and solt your question.

. Af KUER: I pursonally think this borrs-

Ask the question please.

TR. AT HOUSE I on not telling relevancy now. It bears a great deal on that the witness says about other tains.

THE PRESIDENT: Ask the question, ploans.
BY IR. SPERCHER:

Q Do you know of any instance before the year 1935 when funds tore appropriated to build any type of structure or to reinferce any bype of structure in the Heachst plant for the purpose of air raid protection?

Do you or don't you know?

THE TIMESS: Yes, I know that; for instance, the supporting of callers with additional wall supports.

BY MR. SEPRCER:

- Q When they that first done? Do you remusber or don't you?
- A I really cannot give you the date. This is 17 years ago and I really can't tell you what happened every year. We had a progress which was prescribed to us and which we fulfilled.

- Q Do you remember any physical installation before the year 1937?
 That is the year Hitler came to power,
- A I don't think that any new construction took place in 1933. Already constitut reams were equipped by us in such a way so as to be utilized. I have already said that we were not ready for war at the outbrooks of the war.

Q Did Director Jackne take you into his confidence in anyway to sell you about the various engineering projects which I.O. was doing in connection with orders from the Vehrmacht or in connection with contracts made with the Wehrmacht, or did he not?

A No, such questions were never discussed with me by Nr. Jachne. He had his other associates for that.

Q After the occupation of Austria by German troops, did the defendant Joshne over tell you that be deplored the use of force by the German Reich?

THE PRISIDENT: I don't think this is cross meanination.

IR. SPUZCHER: Mr. President, the witness testified that the directorate of Pocchat, and particularly the two defendants, Lentenschlager and
Jachne, had always expressed a great feeling that there was no chance of
wer and many things like that. This is a preliminary question to a very
important point.

THE PUESINENT: That is all right, but you are going into the Austrian phase of this thing. Then you can take it up country by country and you can consume a whole lot of time. Can't you supported it pretty wall and save some time here, places? You have only five ginutes left.

IR. SPECKER: Well, ir. President, am I to understand that I am being forced to abide by a completely mechanical rule with respect to each witness? To had understood —

THE FRESIDENT: No, but it would have to appeal to the Tribunal from a standpoint of discretion that the cross examination was within reasonable bounds, and we are taking a good deal of time on small things. Go ahead and ask your question. I don't want to consume your five minutes discussing it with you. If you get to see thing that appears to be important, we might extend it a minute or so.

BY MR. SPRECHER:

Q Did the defendants Johns or Lautenschlaeger at any time describe
to you any movement of troops by Germany into either Austric or Grechslovakia

and discuss that matter with you, or did thay not?

- A I have said very clearly that in 1939, ir. Jachno said that only a fool would think of a war. Maturally, he wouldn't have discussed anything like that with me in 1938.
- Q ir. Prosident, I do have considerable difficulty. I may in to ask to be allowed to repeat that question as long as necessary to get the soint across to the witness. I asked you is wither of those defendants telled to you at any time about the occupation of either Austria or Greek-slowtkia by German troops? If they didn't —

A No.

- Q They didn't? Thank you very meh. Mos you seid that Joshna said to would protect you against the Party at one time. Did he tall you how he would do that?
 - A ir. Jacime is a personality and he would have protected me.
 - Q Just a second. I asked you if he told you how he would do it.
- A He told me that, "If you have any difficulties with the Farty, we are going to protect you." What method he would have used, we could have maited to see for purselves, but he didn't mention that.
- Q Thank you. Now did you have certain Vortrauersmanner confidential men - among the foreigners who reported to you on the morals of the workers and how things were getting along with the foreign workers?
- A The foreign workers were not subordinated to me at all. They were subordinated to the camp which was represented by Dr. Hirschel. I had no confidential man are my them at all. I had my own confidential man man I had known for decades.
- Q Thank you. Now, how many clast collection did you have at Hoochet in 19h3 or 19hh2
- A We didn't have a plant police. "e had the 1 of guards, who ware about 85 to 95 men; it varied.
 - Q Who paid for this works guard of 85 or 90 man?
 - A Who paid?

Q The paid their saleries?

A They were employees of the lant ever since 1920. They were poid by the plant. We didn't have any workers in our plant who were poid by any other office.

O Did you got any information from the SO or the Gestage outsidely the handling of the Werkschitz?

A Yes, during the lower conferences, people often agreered and issued directives, but whether or not one achieved to those directives was a matter for one's own discretion.

Q And you never got cirticized, did you, for not adhering to these directives?

A They didn't even notice that. All my life I only executed orders of the rerelity and justification of faigh I was deeply convinced.

Q In your own experience, did you find that the SD was rather inofficient in finding out -- the SD and the Gostago -- in finding out what
was going on in your plant?

A The SD and the Costape shied may from the Hesenst elect and they feared it to the amount, because everything in our plant was in purfact order. The head of the Gestape office of Heechst often said when the biggest plant in his district had no files in his office whatsouver.

Q I have no further questions.

THE MISSIDENT: Anything further with this witness?

DR. FRISILLA: No further questions.

THE PUBLICAT: Then you are excused.

(The witness is occused)

UR. PRIBILLA: Your Honor, this brings no to the end of the case on behalf of the defendant Jeehne.

THE PRESIDENT: Very well. Dr. Immort, are y rady to proceed?

DR. LUMERT (Counsel for the defendant Kuchne): h , is placed the Pribunal, at the beginning of my submission of avidence on behalf of the defendant Kuchne, Ishould like to make a few brief introductory records.

Lest December, I did not make in opening statement on behalf of the defendent dent Number occase at the time, in my motion of the 11 of December 1917, I requested that the evidence of the prosecution concerning the defendent Makes be declared insufficient and that the Pribuml may order his inne-dista release. Up to this point, my motion has not been approved. Today, it is still my opinion that the presentation of evidence by the prosecution concerning the defendent Muchae is not legally relevant for a number of legal reasons. In any case, however, and at least as a measure of procession, it is now my duty to submit evidence on behalf of the defendant Auchne. In order to ficilitate the task, I have permitted appeals to submit to the Tribunal a little survey of the evidence. I ask that your E now place of making look at this survey.

I have three document books which have been handed to the Tribunal and be the prosecution in time. Subsequently, I have received two more documents which in the mountains have been translated. I should like to submit these two documents to the Tribunal. Those are documents Kuchma 117 and 118.

The impesident: Do you have any preference as to which book they are to be added to?

DR. LUMDIRT: Yos, Your Moner, those two documents will be the first two documents books in Book IV. Document Book IV will later be submitted as a supplementary document book.

THE PRESIDENT: Vory wall.

DR. LUISERT: Before calling the defendant Kuchne to the witness stand, I should like to offer Engine Decrements 1 to 5. Document 1 is always in evidence on the occasion of the cross-examination of the witness Dworcezek. It was submitted as English 1 for identification. The document contains two affidavits of the witness layer. I new first document in evidence. In order to explain the first four documents, may I point out that these are affidavits or letters from three American friends and one English friend of the defendant Kuchne. The contents of document 1 have been described at relatively great length in the index. It is hardly necessary

25 March-4-DJD-12-5-Gaylord (Marlor) COURT VI, CASE VI

for me to read these serioness into the record. I do ask the Pribuml, amover, to read these very few lines.

25 Mar Af-M-MF-17-1-main for Remior

At the member I am only interested in the testimonial of the infendent's character, which is excellent and which is contained in these two affidavits of the sitness Mayor.

I shall present at a later date avidence concerning further statements of the sitness Hyper. That will be in connection with Count II of the indictment when I shall deal with the Fregor Versin.

I shall now turn to the next document. Exhibit 2. These are two letters by walter J. Lao. So is the Head Engineer of the Goodyear Tire and Rubber Company, Inc. These letters more addressed to Company Telford Taylor and Mr. Spreaker had the kinds as to place these letters at my disposal.

Interesting in these letters is the statement made by the witness that Dr. Muchne had transmitted very valuable information concerning the Buna-S, which the United States could put to waluable use during the last war.

The second letter is very relevent and you will find it on page 10 of the document book. would the Tribunal be good enough to take notice of that page of the book.

The mixt document, Exhibit 3, is a letter by the witness Halo eddressed to me. Hele is a co-partner of the firm, Dow Chemical Company, Midland, Michigen. This letter, tee, contains an excellent testimental of Dr. Muchhe's character. I should like to quote the following sentence into the record: "I never found any higher type of business men -- houst as the day is long."

THE STRECTER: Mr. Fresident, Dr. Lummert and I had talked this matter over briefly, but apparently there is a slight amount of misunderstanding. I understood that he would offer these letters merely to show that testimenials solicited and not for their content. Now, on that basis, it sugged to me that we could make any objection to them as not being under eath. As a matter of fact, I myself wrote to helter J. Loc. after we had received this letter from him and told him some unitarials

25 Mar 17-M-15-15-2-maing r-Remier Court & Casa 6

that we thought might be relevant, if he was in a position to give information concerning them, which would be interesting to both the defense and perhaps to us and I heard nothing further from him, which therefore, I am afraid I am in a position where, if these metters in the content, I we to make an objection. If they arely run to the point, I dent have to make an objection.

DR. DESERT: May I ruply briefly? I think there is no real difference of opinion between ir. Springer and myself. The documents 2 to 4 are not affidevite. They are sorely letters hich were written during the trial. I ask the Tribunal to attach such value to these documents as appears proper to them. I think it is significant in itself that these letters were written. The sense of those documents 2 to 4 is. If I may put it that was: Let the Voice of whereas to have at the beginning of my semartion. Each of the efficient 1 to 3 are impriced eithers, and the mitmass Mayor, Document 1, was formerly a vector and is of Jouish feith. The witness subjecters, Document 4, which I am about to submit is not a genuine morican, but at any rate, he is an Englishmen.

THE FRESIDENT: Foll, Mr. Lummort, perhaps you pay a little too high compliment to the Voice of "merica. to sometimes find it very confusing.

vorified under each. The second depart from that rule. The heat we can do for you now, unless the prospection riches to unive it without a proceedant, and if they care to, they are under no obligation to do it and Mr. Spreacher has expressed his views very clearly, all we can do for you is to tark these first four documents for identification for the time being. I don't want to try to tell you have you sind your affairs, but it is undoubtedly true that if you would send cop-se of these letters to the authors and ask them to go before a notary public and acknowledge their signatures and get them back before the end of the trial, then we

25 Mir hö-M-AJ-13-3---minger-Remler Court & Gree &

will permit you to renew your offer and introduce them in evidence, subject to whatever objections counsel them wishes to make.

DR. LISSET: Thank you very much. Your Honor. I shall now submit Documents 2 and 4 for identification only.

THE FRESIDENT: Do you mish to any something?

TR. SPRECIER: "s to the general testimonial letters, we don't care whether they me in affidavit form or not, but in so for as the contents go to any of the specific issue, apart from a general tertimonial, to do think that we ought to have the assurance of an eath. That is the only point I immted to make.

The FRESIDENT: The Tri unal cannot admit an incompotent document for one purpose and excuse it for another. All we can do about it is mark them for identification, and you have our suggestion as to how you on remady the situation, if you say fit.

DR. IMPER: I shell now turn to Dodument V. This is on offidavit by Frau Dr. Kroon. This officevit has a purely formal character.

I have taken particular ento with the compilation of the index of Kuchno's
document book. In the index the personal data of a number of affiants
are stated more specifically than in the officevits themselves. This
affiant merely certifies that the personal data of the efficients in the
index of Kuchno's document books are correct, and now, Your Honors, I
would like to how the Defendant Euchne take the mitness stand, if you
consider this to be a suitable time.

THE INSTIDENT: The Defendent Muchno may take the witness stand and we can at locat qualify him as a witness before the racess.

HLUS KUEHNG, n witness, took the witness stand and testified as

THE PRESTRENT: Dr. Euchno, will you remain standing, raise your right hard, say, "I", and state your name for the record.

THE TIMESS: I, Hogs Kuchno.

THE PRESIDENT: Now repeat the oath:

25 Nor 48-7-43-13-1-minger-Remler Court 6 Case 6

-- sweer by God the Almighty and Damiscient that I shall speak the pure truth and will mithhold and add nothing.

(The witness repeated the eath.)

The Prestor T: You may be seeted.

Do you mine, Dr. Immort, using the next five minutes. It will just be five minutes seved. Otherwise it will be wested. I tank no should go along for five minutes.

DR. LUNCERT: ..s Your Honors wish.

THE FRESHER: I think to had better an along, we might need five minutes very bedly some time.

DIFECT EX. IN. TION

Ef DR. 1415) AT (LITCREST FOR THE DESKID OF NUEHEL):

- Q. Withous, rould you ploase give the Tribunal your most important personal data?
- I was born on the 3d of July, 1880, in Mydoburg, that is,
 I was almost 68 years old. I have been married since 1907 and I have four
 children who are from 30 to 40 years of ago. I have lived, since the
 middle of 1943, up to the time of my arrest on the 29th of -pril, 1947,
 on lake Constance.
 - 4. May I ask you there your children are residing at present?
- A. Two of my children, since before the wer, have lived abroad.

 My daughter has resided in Italy since 1933 and has become an Italian citizen by verriage. My Italian sen-in-law was in Germany as a prisoner-of-war, because his division scined the resistance movement in Spagate.

 At first he had been sentenced to death and in the fall of 1943, he was sent to Germany as a prisoner of war.
 - Q. Would you please tell the Tribunel briefly about your corner?
- A. Ifter the conclusion of my studies, I and into my first position in the chemical industry. That was on the 1st of January, 1906.

 I worked in a little chemical factory in control Germany as plant assistant. The plant had 130 workers and mainly produced a hite minutal

10079

25 Mar 48-M-1-13-5-Lyminger-Rymler Court & Cose 6

in the plant I was promoted after two years, on the 1st of January, 1908, to be manager of the plant. Alreedy at that time I was specifically interested in labor questions. I sladys intervened on behalf of the carbors' rights against their amployers. For instance, I intervened on behalf of the standed a Secial Democratic worker of the plant and I myself attended a Secial Democratic meeting in order to acquaint myself with the size of that Party. At that time that was considered as a matrix on the part of an educated man, actually I had differences with the proprietor of the firm as a result of that Section in order to gave up my position. Subsequently I had two other position, in out Correct section facturies.

On the lat of June, 1911, I been the plant memper of a large plant newing about 450 orders and on the lat of Pabruary, 1913, I become the plant director of a rather important plant, of the inergence industry, numbering 1,200 merkers. In 1915, I was temperarily desired into the army and for four menths stayed in the treaches along the French battle front where I served as an ordinary private.

THE PRESIDENT: Dr. Kuchno, if you will note the point which you have resched, so will recome new until 1:30.

(A rocess was token until 1930 hours.)

(The hearing reconvened at 1330 hours, 25 March 1948,)

THE MARSHAL: The Tribunal is again in session.
THE PRESIDENT: You may continue, Doctor.

DR. LUMMERT (Attorney for the Dafendant Kuchna): Very well, Mr. President.

DR. MANS KURHNE - Resumed DIRECT EXAMINATION (Continued)

BY DR. LUNCERT:

- Q. Dr. Kushne, you had been describing your career and you had reached your military service in 1915. Please continue your description there.
- a dye stuffs factory of the Friedrich Bayer & Company of Laverkusen, in february 1916, as Chief of an Experimental Department. My task was to solve the problem of producing sulphuric acid from gypsum. Up to that time sulphuric acid could be produced only from sulphur or sulphuric metals, for instance, copper pyrites or since bland metal. Natural sulphur does not occur in Germany at all. The sulphuric metals are available only in a limited amount, so that Germany depends on imports. During the mar from 1914 to 1915, we experienced a serious scarcity in sulphuric acid. In Germany and in other countries there were whole mountain ranges of gypsum, that is, calcium sulphurie. It was my task to liberate sulphuric acid from gypsum. During work that lested two years, I solved this problem. The process today is intermedically known and r the name, Mueller-Kuehn: Gypsum Sulphuric acid from my Sulphuric acid from the countries there were worked the sulphuric acid from gypsum. During work that lested two years, I solved

Basidas in Garmany, licenses or a sempted by Fitten and on this basis plants in France and England wars constructed in order to utilize this process.

On the 1st of January , 1921, I cas partial Director of the Inorganic Department of the Leverkusen Plant. On 1 January 1923, I became

the Deputy Vorstand Member and on the 1st of January, 1926, I was appointed regular Vorstand member, when Farben was merged. On the 1st of January 1933, I became the Director of the Leverkusen Plant and Chief of the Plant Combine, Lower Rhine, when my senior colleague, who had been the director up to that time, retired, because of old age.

I maintained my position as plant leader of Leverkusen until the 31st of July 1945. On that day I resigned from my position. If the war had not broken out in 1959, I would have retired already in 1940, because I always had the intention of drawing my pension when I became 60 years old. The war delayed my intention. In 1945, however, my psychological opposition against the planned so money that was forced upon Farben and upon all of industry and against the despotism of the regime in Germany at the time became so strong, that I retired. I had a notice put up in the plant Leverkusen to the effect that from the 1st of august 1945, on, Dr. Hebard and would be my successor and would be in charge of the plant.

I would very much have liked to retire completely, but Mr. Schmitz, with whom I discussed this affair, advised me that I should only take a lseve of absence temporarily and that I should now and again participate in some Ferban meetings. He said, "If you don't do that, you might be drafted for service in some other place and you might be assigned by the Labor Office to become the chemist in some munitions plant, " Such cases actually had occurred in various instances of some people who had bean retired from Parban when they were 60 years old. On was subject to the Law of compulsory service in Germany until one had reached the age of 65. Even mambers of the Vorstand were subject to that law and I was only 63 years old at that time. After the 1st of August, 1943, I came only recosionally to Laverkusen for several days and the last time was in October 1944. The plant itself I entered I believe, only one more time during my last visit of 27 October 1944, when a serious air raid courred on that day and when a number of large fires broke out. At that time I inspected the damaged places. The management of the Leverkusen

Plant had reported to the person of my successor, Haberland, from the 1st of August, 1943, on. My official retirement had in 1940 already been fixed on the 30th of June, 1945, because that was the time when I would have reached my sixth-fifth year. On the 29th of April, 1947, I was arrested in Lindau and brought to Nurnberg.

Q. May I ask you briefly, wars you interrogated before the beginning of this trial?

A. No, I was never interrogated.

BY DR. LUMBERT: In supplementing the curriculum vitae which the witness Kushne has just now related to us, I present my document 6, which will become Exhibit 6. This is a documentation of his career in more detail. I don't have to quote from it for the record. The Tribunal will see in this curriculum vitae that the defendant Dr. Kuehne is a typical self-made man and that he had a very difficult time during his youth.

The Witness Ruchns mentioned that on the 51st of July 1943, be resigned from his position as plant I adder of the Parben plant at Laver-kusan. To supplement this statement, I submit firstly Document 7, which will become Exhibit 7. In this instance, I refer only to paragraph 2 of this document. This is a record of the Works Manager's Conference of the 3d of August, 1943. Dr. Heberland, Dr. Kuchne's successor, and nounced in this meeting that he was a measuring the management of the Laverkusen Plant and that he thus also had the position and responsibility of Plant Manager as of the 1st of August, 1943.

Unfortunetaly Dr. Euchno could not introduce his successor parametry, since no had to leave because of his illames. This is the arthritis deformers from which the defend at Euchne suffers greatly today.

The next document will be Knohn: Document B which will become Exhibit 9. This is a circular letter.

THE PRESIDENT: Dr. Lamert, pormit me to say to you that the Tribural is cognizant of the physical difficulties that Dr. Machae suffers. If it becomes burdename for him to sit too long in the witness box here, perhaps you could offer accuments and give him a little relief if alcossary. I just want you to know that that will be satisfactory to the Tribunal. In the mountime you can effor decements, and then he can come back to the stand. Just indicate, Dector, if you get too become ortable.

THE ITNESS: Your Monors, I blisve that I can got along with a few tablets to t I have in my pocket.

THE PRESTREET: Vor: well.

DR. LIN TRY: Decement No. 8 is the circular letter which the deputy plant a negar of the Laverkusen plant, the number of the Verstand. Dr. Brueggemen, sent on the 4th of August 1943 to all other Farbon plants. This also refers to the change in the management of the plant.

In supplementation finally I offer document and Exhibit No. 9.

This is a photostatic copy from the Farbon plant magazine. From Flant to Flant', 'Von York zu Jerk', edition Loverkuson. The document has the same contents in the final analysis and the photostat also contains a picture of Dr. Kuchne's successor. I now ment to give a survey to the Tribunal about Dr. Kuchne's activity in Loverkuson and the Forten on the whole.

Q. (By Dr. Lamort) I must to ask first, Ar. witness, please describe your task and activity as pleat manager of Leverkusen.

A. In order to give abotter picture to the Tribunal about the Luverkusan plant, my defense counsel has introduced as Exhibit No. 10,

which is Document Mo. 10, a plan of the Low mousem plant. I hak that you have the kindness to turn to this plan. It is on Fago 27-a of Document Book I. May I emploin this plan wory briefly? One notices on this plan hos uniformly the Leverkusen plant has been divided off and constructed. I can't to explain to you that the projecting of this plant was undertaken by Dr. Duisborg in 1893. This was done on such a liberal scale and was Sono so excellently that it still is in force today. The fact always caused the astonishment of the visitors, that on both sides of this large street in the plant there were parks and rows of trees and oven bade of flowers. They layran imagines a chemical factory to be a place where It stinks and where it smokes, there is a lot of noise, and where it is very unhealthy to work. Levertusen shows, just as other Ferben plants, on the outside slready by its many green grassy areas, that one can operate a chemical plant without endangering the health of the workers. The plant covers an eres of approximately 1.6 by 1 kilometer, or one mile by two-thirds of a mile in English measures. The plant consists of approximately two hundred single factories. "he main groups into which these fectories can be classified are colored in various shades on the map.

The most important of these main groups are: first the inorganic department. This is situated on the bank of the Rhins and is sketched in rellow. This inorganic department was my proper field, because I was particularly specializing in inorganic acid, hydrochloric acid, chlorine, sodium hydrocxide, atc. Secondly, the intermediate products department, which is designated "M.N.O.P.Q." the second row from the bottom. Here the products of the anolganic department are combined with the tar distillation products in order to form the so-called intermediate products. This department is sketched in brown. Freducts of the tar distillation processes are, for instance, bentol, toluene, naphthalene, sec. The intermediate products are called "intermediate" because, for the most part, they are again worked on within the plant. From the

25 Mar 18-4-15-3-Hoxsie-Ketz Court & Case 6

intermediate products, the final products are made which are dyestuffs, charmscauticals, synthetic products, tenning agents, etc.

Thirdly, the various dyestuffs department, in the third row from the bottom behind the intermediate products department. I may refer you to the legend on the map in order to explain the various colors.

Fourtuly, the shipping and packing rooms for dyestuffs and pharmaceuticals. In that block there was also the large photo paper factory which produced the photographic paper which was universally known under the name of Agfa. This is in Block - approximately in the middle of the map and is the plant that is shaded rad. In leverkuson there was also the large central isboratory for rabber and one small Bune plant.

These are the red areas within the Blocks K. Q and M.

Fifthly, the engineering departments which are drawn in light tlue color and with are mainly centered in the block M. On the whole, during my time, more than 2,500 various products were produced in Lever-

C. Dr. Kushne, may I ask you to supplement your explanation of the chart by a description about the various competencies which existed in Leverhusen?

A. There were four members of the Vorstand of Farben competent in leverhosen, everyone for his own particular field. My colleague, Professor Roerlain, has already made statements in part about this subject. He mentioned that he was in charge of the imboratory for insecticities and that the tablet and phial plant were under his technical and initiative direction. Furthermore there was the sales department for all pharmacoutical products of Ferben in Leverhosen which was called Pharmabayer. This sales department was under the direction of the Vorstands member, in Nann, and was situated in a large modern administrative imilding that was build for this very purpose. This building is a little below center on the right of the map and has the number 30. It is above the camp for German girls on the map. Furthermore, the Vorstand member.

Fr. Brueggemann, had his office in Leverkusen. He was the legal advisor of the entire plant combine Lower Rhine, that is the plants. Leverkusen, Usrdingen, Elberfeld, Dormegen, and also of the sales combine, Fharma-Fayer. Besides that Mr. Brueggemean worked on various affairs for the untire Farben concern.

Under my charge were the scientific and technical direction of most of the plants, all those plants for which the other gentlemen mantioned were not competent. Under the less for the regulation of national labor I was the plant leader for the entire Leverkusen plant. Therefore, I was responsible for the workers, the care for the workers, and the employment of laborers in Leverkusen. My deputy in this position as plant leader was in. Brueggeman.

In explanation to the chart, I want to mention, so that we don't have to turn back to it once more, that there are also drawn in on this map two camps which will be mentioned 1/ter in connection with the foreign workers. This is the camp on the right-hand side of the map which is called Camp Buschweg, and another camp, "Eigenheim", of which it is only stated that it is at a distance of 1.3 kilometers. "a considered it important at the time to have the camps for the workers as far away from the plant as possible so that they were not exposed to danger when air raids occurred on the plant. Cur own living houses and also my residence were situated close by the plant. They are represented as settlement of the leading employees on the upper part of the camp, "colony of managing employees."

- Q. Dr. Kuchne, do you want to mention the camp 2-Block, which was also the camp for foreign workers directly near the plant?
- A. Yes, that was the first camp we built. It was built there at the time because we didn't expect any air raids. Quite nearby we eracted the camp for German girls. When, in the following years, the air raids became more dengerous, when we noticed that, then we built the next camps a larger distance away from the plant.
- Q. May I now ask you to give the Tribunal a short survey about the technical installations in the plant that were under your direction in Leverkusen, and also a short description about the management of these installations?
- As My task asplant leader of Laverkusen was very difficult. I had grown up as an inorganic chemist, and in 1935 I took over the charge of one of the most versatile chamical plants in the world. Under my charge next to the inorganic departments, were the many-sided intermediate products plants, the dyestuffs plants, the photographic department, the Buna Plant, and the various synthetic plants, the various scientific laboratories, the large engineering departments, individual pharmaceutical production plants, and finally one rayon plant.

The general public knows little about the fact that in chemistry one must spacialize down to the scallest detail. There are by far more chamical spacialists than, for instance, there are specialists among the doctors. By position in Leverkusen could be compared approximately with that of the chief physician of a gigantic hospital. It is quite clear that the supreme chief of such a large enterprise cannot be an expert in all data led subjects nor that he can actually have the opportunity to personally care for all the little details, but for every particular department and for every individual factory in this plant, the various specialists are available and they are responsible for the details. Thus I too, had to confine myself in my position and rely on the specialists under my charge, for instance, the intermediate products people, the

iyestuffs chemists, the synthetic chemists, the photo chemists, etc.

I could only check on their activities only superficially from my general knowledge, but not in detail. I had to rely absolutely on their reports from their particular field of work. Also on account of the size of the plant organizationally I had a number of excellent chemists under my charge.

DR. LUMMERT: Excuse me, the translation was inaccurate. A directorate is not a number.

THE WITHESS: I repeat. Organizationally I had under my charge a directorate of excellent chemists. The members of this directorate had the title "Director". Under their charge were the individual department presidents, and under their charge the chiefs of the 200 individual factories, and again subordinate to them there were chemists and other experts. Finally there were the large numbers of other employees and workers,

Q. (By Dr. Lumert) Dr. Kushne, how many workers, employees and chamists were active in Leverkusen?

A. When in 1933 I took over the plant, because of the economic depression at the time, only somewhat more than 7,000 workers were present and a little more than 3,000 employees were working there. From the latter about 500 were academically trained chemists and engineers. The numbers increased in the following years again. During the war there was a further increase because for every two German workers that were drafted to the Webrancht and other agencies, three foreign workers had to be employed. The foreign workers, for the most part, had not been trained, and their efficiency for the chemical profession, at any rate, amounted on the average to only about two-thirds of the efficiency of the German workers.

The make the explanation more simple, my defense counsel has submitted Document II, Exhibit II, where he has some statistics about the
labor and employee strengths of the plant Leverkusen. I ask you to look
10089

at these figures briefly. They are on Page 28 of Document Book I. DR. LUMDERT: Page 28.

A. (Continuing) I want to explain one point, the relation that will probably also be noticed by Your Bonors, that exists between the number of workers and the number of employees. In the chemical industry the worker is the executor and the observer of chemical processes in certain machines. Therefore, the work is comparatively easy physically. It makes certain requirements of the intelligence of the worker, however. Since the chemical processes very frequently are not simple, a large number of supervising amployees is necessary who are specially trained. For that reason for most plants of Ferban and also in Leverkusen, for every three workers there is approximately one employee. However, in heavy industry the corresponding ratio is approximately 1 to 15 (1 supervisor to 15 workers.) There is also the difference, that in heavy industry the workers only do physical work. Leverkusen could be compared in its significance to a steal plant with approximately 70 to 80,000 workers. In its turn-over it was procably even more significant.

THE PRESIDENT: Pardon me, Dr. Lummert; I do not believe that you have your Exhibit 10 in evidence on the record. It escaped me if you made the offer. That is the map.

DR. LUMSTERT: Mr. President, I offer herewith Exhibit and document 10, and in the same manner I offer these statistics in Document 11 an Exhibit 11.

- Q. (By Dr. Lummert) Dr. Kushna, in what manner did you assume the care over the staff of workers and employees in the plant?
- A. The care for the staff was a field in which I considered myself an expert, and to which I devoted my time very gladly. In the small factories, before I came to Leverkusen, I had gained many experiences in this field. I always maintained an excellent relationship with my workers. During all of my life, I was of the opinion that I had been naturally endowed with a gift for chemistry and that through industry

and parhaps a little luck I had achieved a position. In that position I bors a certain responsibility, and therefore I had to give certain orders. By reason of my position, however, I had not become a better human being and never felt that I had become such. I always respected the knowledge of other params, regardless of the position they hald and the work they were doing.

A. (Continued) I think that my workers recognized that always and that is why there was always such an excellent relationship. In Leverkusen in 1916 I streamy found a model social walfare system. The founder of the Leverkuson plant, Geheinrat Daisberg, had created this system already during the foundation of the plant. He, himself, was very socially inclined. During the later years these installations were perfected and supplemented and expended just as they were in other Parken Plants. The social volfare institutions of Farben are famous all over the world and were discussed in many foreign newspapers and meriodicals.

In Leverkusen we had more than four thousand (4,000) residences that were built by the plant. They are model residences with modern equipment. We had dining rooms, day rooms, reading rooms, libraries, parks, swinding pools, concert halls - the host concert hall in the entire Thing area and a whole system for cultural care. There was a large redical department which took care of the hydiene and treatment of the sick. Part of this medical department was our own polyclinic with the most modern equipment.

All of those institutions were consolidated in the sa-called Social Department. By the way, we also had many other social welfare institutions of the Ferben Plant in Leverlanen, for instance, there were recreational homes, sanitoriums for workers and employees -- I believe, bowever, that in the interest of time I do not have to list all the further details.

Only one core remark I want to permit myself here. The large capitalists are often attacked by certain people with the contention that they exploited the workers and they didn't do anything for them, but the very op osite is true according to my tan years of experiences in three spaller plants and on the basis of my thirty years of experience in Farbon and also according to many other observations that I made.

The smaller plants could not and usually cannot efford to do so Fuch for their employees and workers as heavy industry and particularly Ferben was able to do, which took care of their staff in a more than emple way. I mention this because, unfortunately, the Prosecution, too, in this trial, raised the charge that Farben only thought of power and making money and that their directors only wanted to enrich themselves and that they didn't have any heart for their employees.

During my entire activity in Leverkusen because of my attitude and my background. I particularly interested myself in the conditions of work of the workers in the plant and outside the plant and, as far as my time permitted ms. I made inspections and had conversations with the workers and convinced myself of their position and their feelings. The same was done in the other plants.

After 1933, when the NSDAP issued many new model welfare regulations. Farbon didn't have to make any new institutions. It had already all those things that particularly the labor front desired for improving the conditions of the workers.

When in 1933 the lew for the regulation of national labor was issued and this law prescribed that every firm had to have a plant leader who was responsible for the assignment of the employees and workers and when I, myself, was officially appointed as plant leader for Loverhusen, nothing was changed personally in my position, for, already before that time, I had devoted muself to the social welfare of the amplayees and workers with much love. Of course, I couldn't worry about all the little details in that field either. Thus, during the war, director Dr. Wenk, my subordinate was in charge of the employment and care of the workers.

- Q. Dr. Kuchno, you have given the Tribunal a survey about your activity in the Perbon plant Leverkusen. New I now ask you what was your activity as chief of the plant Co bine Lower Rhine?
- A. The Plant Combine Lower Raine consisted of the old original plant Elberfeld of the Bayor Firm, the Leverkusen plant, the Dormagen plant and the Verdingen Plant. The latter had been founded by the father of my co-lefendant, for Heer and until the merger of Farben, it was known

25 March-1-JP-18-3-Melson (Int. Matz) Court VI Case VI

under the firm name of Weiler-ter Meer. These plants, already by reason of their historical past, had a large feeling of independence and they had a right to a few reaching independence and they actually applied this independence to practice.

Elberfald was the original plant from which Loverkusen emanated and Wordingon was quite independent of Leverkusen until the merger. Wordingen was the only plant of Parbon which, besides their own administrative machinery and social welfare department, had a number of other independent depertments, the personnel, the petent, the calculations and one arlos department. The witness, Struss, in his affidavit NI 9487. exhibit 391 in book 15 on pages 95 to 89 in the faglish and pages 94 to 97 of the German, described the conditions in the plant Combine Lower Thine correctly. He cuphesized the large independence of the plants perticularly. My takk as Chief of the Flant Combine was, therefore, relatively limited. Approximately every four weeks and later, during the war, a mary mix or eight weeks I collect together the Chiefe of the four plants to participate in a so-called directorate meeting. At this occasion a cortain co-relation of the local productions were discussed and general questions of ware policy and the payment of employees were discussed. These directorate meetings were essentially only a source of information for the Chiefs of the individual plants.

In these poetings, I also reported about interesting events from
the Vorstand meetings. Besides the Chiefe of the four plants, senerally,
department directors of Leverkusen Plant participated also and as guests
further the Vorstand member ar, wann who was in charge of the Independent
Sales Combine Pherma-Bayer Leverkusen and a few of his staff. Besides
that, finally, the Chiefs of the Duisburg copper mine and the factory
for nitrogen fertilizer in Knapsack. Although these were two individual
independent plants near Leverkusen, they participated nevertheless, because
they belonged essentially to Farben and they asked me for permission to
participate in the directorate meetings for information purposes.

1009%

25 Perch-A-JP-18-4-Welson (Int. Katz)

Apart from my own reports, the people from the other plants reported during these meetings about anything that they considered important enough and a bout anything that might be of interest for the other plants. However, about particular questions of the individual plants we did not speak and the particular questions of the sales of the Bayer firm were not of any interest during these directorate meetings of the Flant Combine.

Those particular individual questions were discussed in the directorate meetings of the individual factories or of the Pharma-Sayer. I, mysolf, for these purposes of particular detailed information of the Farber Flant Leverkusen called the so-called technical directorate conformaces every month or every two nonths which were called TDZ in abtraviated form.

Every three months I held the so-called plant leaders conferences in which the Chiefs of all, approximately 200, individual factories of the Ferben Plant in Leverkusen participated. In a similar manner the gentlemen Professor Hoerlein, Dr. Reberland and others directed the other plants of the Plant Combine.

- Q. Dr. Kuchne, in the Plant Combine Lower Rrine was there also the principle in force of do-centralized centralization which has been mentioned remestedly in this trial?
- A. You. It cannot be said often enough that this principle scaling everywhere in Farden. The great successes of Farden in all fields can be explained only because of this system of de-centralization, in which anybody who had a large responsibility, was also given much independence. Any other form of panagement would have been impossible in view of the number and size of the products and because of the geographical extension of Farden. Only because of this manner of business management and plant panagement we had safe warded the necessary willingness to work, for hobody who has to bear responsibilities and land given the necessary independence for this purpose, can have the necessary willingness to work.
- Q. Did the individual plants and sales combine remain in alose contact should each other?
- Geheinrat Duisbern had desired that the Flant Cambines and the sales combines as well, should inform each other by sending each other the records of their directorate meetings. However, this was not done in practice very much. I, for instance, sent the transcript of the directorate meetings to Mr. von Schnitzler, amongst others, and he in turn was to sent to records, but as far as I remember, I hardly received them. In every case, however, the transmitted and the reading of such records only had the simificance of a giving information. The responsibility was borne by each plant leader for his own plant, but only for his own plant.
- And of Farken have enything to do with the selection or employment of the humarous individual plant leaders in the large Parken plants?
- A. No, only positions in which the people concerned had the right to effix their signatures to any documents had to be registered with the Cantral Committee. Furthermore, it was a very part of the independence

which was lost up to the leaders of the individual plants, that they would make the selection of all chemists, engineers and so on under their there a according to their own judgment. Heither the Chief of the Flant Combine nor perhaps even the entire Vorstand took any influence on this matter and, therefore, they had no responsibility for this. Only the plant leader concerned was responsible for that. On the other hand, his responsibility, too, was limited to the selection and to a meneral supervision. Anything also would not have been possible in view of the large specialization. I have already discussed this, when I compared the Leverkusen Flant with a signature has itself in order to examplify the specialization in chamistry that even went much further. Nother the entire Vorstand nor the leader of Flant Combine could concern himself shout the details of a large Forben Flant was, for instance, Leverkusen.

- Q. When did you terming to your activity as Chief of the Plant Combine Wiederrheim?
- in When I was described my career. I already stated that I residued from my activity as Plant loader of Leverhusen Plant at the end of July 1943. The management of the Flant Venbine Lower Brine and the newbership in the Farben Verstand I ret ined until the end of 1946, but as I said, already, and as also Mr. Stress has said in a different place this was only a formal affair so that I could not be drafted for servide in any other place during the way. In practice, I was in retirement in Lindau beginning with Ampust 1943.
- Q. If the witness, Dr. Struss, save in his efficient 5129, exhibit 33, document book 15, pages 118 to 120 of the English and page 139 in Jersen that you resigned from your position in August 1943 and that you only formally were the leader of the Flant Combine Lower Rhine than that is quite correct?
- A. Yes, it is also correct that Dr. Struss says on the same spot that on the 30th of June 1945 I wented to begin my retirement. I actually but that intention in 1943, but I went into retirement at the end of 1944 the beginning with Jenuary 1945 I didn't get anythrefor salary. Thus

I resigned practically from my position as nember of Vorstand and Flant leader of the Flant Combine Lower Raino in February 1944. My last presence during a Vorstand meeting was at the beginning of November 1944. Only the deletion of the position of Vorstand member from the Commercial register was delayed because of the war, but that was only a formal affair.

- Q. Therend of 1944. Was this translated as February 1944? That would have been an error.
 - A. I said at the end of 1944.
- Q. I want to ask you a question. What can you say about your nambership in the Vorstand? Perhaps you can do it briefly, since the Forstand has already been discussed in detail by other defedants.
- A. I represented the Leverkusen plant particularly in the Vorstand.

 No co-defendant for Neer has already correctly described that the position of the Vorstand members who were in charge of the plants or in charge of sales combines could be compared approximately to the positions of directors general of independent concerns. As such a general director, I myself felt in the Edverkusen plant, I reported to the Vorstand about those parts of my work about which I believed that it would interest my colleagues.
- Q. What can you say about your numbership in the Aufsichterst, or of the business management of other enterprises, or in any other committees? The witness Dr. Struss stated in his two affidevits, NL-5022 and SL-5129, Exhibit 302 and 303 respectively, in Book 11, listed a number of positions and you yourself described those positions in NI Document 10390, Exhibit 1618, Book 56.
- A. Generally speaking, I can say that I only held these positions because they had something to do with my activity in Parben. These positions resulted either because I was the leader of the Leverkusen Plant or because I was a particular expert in the field of inorganic chemistry. Here belongs, for instance, the fact that from the middle of 1927, on I was the business manager of the Titangesellschaft in Leverkusen.

 This enterprise was owned by Parben 50 percent and was 50 percent owned by the Titan Company, Inc. In New York, a subsidiary company of the National Lead Company in New York. They manufactured titanic white. And the fact that since 1930 I was a member of the Anfaichtsrat of the Societa Italiana de Mitonone in Milano, and Italian concern for the production of the white

nineral paint Lithone. Among all the positions that the witness Dr.

Strass listed that I have ever held, there isn't a single one of any
consciouous, economic, or other significance. Political significance is
not to be alreched to any of these positions; but since the Prosecution, in
answering my compact's motion, referred particularly to my positions.

I believe I have to deal with this briefly.

There are mentioned here the Advisory Council of the Economic Chamber, Duesseldorf, the Advisory Council of the Industrial Department, Duceseldorf, the Chamber of Commerce, Lauenchen-Sladbach the District Labor Onember in Essen. These wore economic esseciations and industrial agencies that always existed and in which I sumply was placted a namber automatically because I was the manager of the largest enterprise in the Eheinland. I was the chairmen of the Aufsichteret of the Duisburg Cooper Hine because I were an inorganic charies, and since the Duisbur or Mupferbuctte was owned 55 percent In Parker. The Duiste per Supfortmette worked on the pyrites leftowers of Exrles plants from which they manufactured iron, copper, sinc, other metals. Then there are a number of Litopone plants which were whet by Parben 50 percent and were 50 percent owned by an associated or friendly firm, the Association Schachtleben. Them I was a nember of the aufaichterat of the Rheinisch-Westphaelische Electrical plants in Essen, nowase the Leveniusen was one of the largest consumers of the electrical oner my which this plant produced. Then I was an Aufsichtsrat member of two dining corporations, such plants that manufacture Fluoraget and Schwerspat. and finally I was a member of the aufsichtsrat of those plants of Forben that were situated in Turoslavie, Austria, and Crechoslovekia, and that vere effiliated with Ferben in a menner which I will describe later.

Q. About the Donauchenie, A.D., and the Chemische Werke Aussig. Falkenau, in particular, I shall sak you about these in more detail when dealing with Count II of the indictment.

Please now rake brief statements about the Southeastern European Committee of Farben?

25 Jarch-A-JP-20-3-Perrin (Int. Esta) Dourt VI Case VI

- A. The Southeastern European Committee of Farben had been formed at the end of 1938 within the framework of the Technical Committee and the Commercial Committee in order to discuss jointly the technical and commercial questions relating to the European southeast.
 - . Dr. Muchne, would you please report the detel
- A. At the end of 1938 as it is contained in the record of the connercial Committee of the 25 of September 1940, FI-6161, Exhibit 369, in Book 14, under personanh 7. This Committee person had advisory functions within the framework of the Technical Committee and Connercial Committee.
- Q. Did this Committee have anything to do with the Southeastern Zuropean Committee of the Reich Jroup Industry?
 - A. No.
- ". Which is mentioned in the afficevit of the witness Frank-Fehle, SI-1294, Exhibit 511, in Document Book 221
 - A. No, these were two completely independent committees.
- Q. How was your time taken up by your activity in other enterprises, scientific conmittees, and so on!
- A. 'I can say white well that my time was very much taken up with work. I was enthusiastic about chemistry and technical science, and I tried to keep abreast in literature as far as possible with the developments. Furthernore, the direction of such a large plant was connected with buny other functions. During a very large part of the year, I was away on official trips. Approximately during one-third or one-half of the year I was away on trips. This was the reason who I had constant deputies appointed for all fields in the Leverkusen plant. They took care of all the details for me so that I only had the supreme leadership.

DR. LUNI ERT: I went to introduce Document and Exhibit Number 12 here. This is an efficient of the witness Moziol in which the total number of the days spent eway on trips by Dr. Tuchne is given for the years from 1935 until his resignation at the end of July, '43. The most days spent away on trips was in '37 when the amount was 195 days, more than the days

that he was present in Leverkusen. During the wer the figure became lower, and the smallest endust was during the first seven months of 1943 before he resigned. At that time Dr. Kuehme's sickness, arthritis deformans, became more evident and specded up his resignation.

lir. Prosident, I new went to deal with the questions relating to Count I, but I believe this is a good place to have the recess.

(A rocess was taken.)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION

BI DR. LINITEDI:

G. Dr. Musimo, I should now like to turn to the question concerning from I of the indictions. The Prescution charges the defendants with an alleged alliance of Ferben with Mitler and the Mazi Perty. First, tell at what was your relationship with the Manippy

... Aready before 1933, Dr. Lay, the later hand of the organizational structure of the HEDAP and lunder of the Sermen Labor Front, and asked to repeatedly to join the Farty. For seven years, Loy had been active ts a chardet at the Leverkuson plant, but in the year of 1927, he was discussed because to insulted with our Asisichtered maders who were of Anish confession, in particular, in Marcang, Dr. Loy, homover, reportedly curs to Leverinson after his dischard because to had his family there, as well as many friends. Buffere 1933, I always objected to entering into the Perty becomes I did not more to belong be a party which was in so the nelly exposed to the Dovernment. . Ther fitter became a Reichschencoller in a coalition towarments and the Willis therewish assumed powers of i termine, the remote for my refusel was no larger walld. When Dr. Ley, in the spring of 1933, appeared at up piece again and asked no to join the Party, I accepted the membership. Shartly after my declaration of willingness to foin, I fall ill and I had to go to mechan for a number I works in order to be cured there. Then I was again well enough to at, the Jamesh shops in the vicinity and been demolished only me in before that. I would have preferred at that point to withdraw my amburship, but files on the next day I arraved home, my temporary inditioned into the Party was already there. At that time already, I that not reject this admittance without run ing a cortain danger. By it is reas ins which prompted on to join more the following: During the Fleeding years, I had to mitness the disorganization of the various Marties and the includity of the Reichstag to achieve a practical Thinantery majority. There were 36 parties which split Germany

colitical. I particularly velcomed the plan of the MSDAP which appeared in the spring of 1933, the plan to eliminate much leyment by opening min projects, by building autobehas and now constructions. At that time and still today, I emsidered the more payment of unumpleyment monica to unsuplayed people as it was the ease before 1933 by the governments f Gurnany as a great social mistake, bucause the pursua se supported Charaby gots used to doing nothing and thoroby lesses his skill. In La riuson, I experienced that werkers with many children approached and asked he to be dismissed, because as unaplayed they would earn noney in view of the fact that they received additional memory for their children, they they would earn by morting in our plant. In particular, however, I welcomed the intention to give up this destructive struggle amongst the classes, and I welcomed the intention to create a sound relationship between crol yors and tornors. Mitter's book, Wikin Supf," I had not read, but I maturally most the HSDAF program from reports in the namepoiers and from orticles which I had occasion to read. In asiar as this progress represented redical views, for instance, ome, raing Jone, I was a evicand at the time that those thoses were stroly used for propagatele purposes, and that at a later date they would aljust thouselves to a here reasonable standard union the MSDAP would have vison to a responsible governmental party. In to putivity as head of these large plants, I have personally experienced that the most racial elements, when placed in a reso maible position, become more responsible. In the same tray, I considered it to be goite cortain that the radical and less-oducated elements of the Party would be purised into the background because they would not be espeble for the management of responsible givernmental agencies.

. (Continued) I hoped that Hitler would make use of better counsel. at this point perhaps I may point out that other people in Sermany toped similarly. The material which was submitted by the Prosecution, I am referring to Book III, MI-9784, Embit 57, stamp: Special United States Senate Committee, a letter from Du Font is cited; that is the report by Mr. Crane about a visit to Mr. Bosch. It has repeatedly teen mentioned here that Mr. Bosch, that is to say the Bosch of Farben, was a furious opponent of Hitler; and Mr. Crane writes as follows, and I quote: "Professor Bosch confirmed our views to the effort that the contemporary times in Gormany were very difficult and that the last weeks were particularly strenuous for the industry. hereas the revolution in the year of 1918 was brought about because of the controversy of the u per and lover classes against the middle clases, the contemporary revolution came about because of the fact that the lower and middle class was fighting assinst the upper class and industry. Especially now it is a quastion of Pascism and Bolshevism, and industry must support the present government in order to avoid further chaes. Hitler's domination at first did not use industrial lesiers, but during the last weeks he showed his determination by showing the radical people of the Party where to get off and he did try to obtain the ocumsel of industrialists." I quote further from Mr. Crene's latter: "After the luncheen, Dr. Carl von Weinberg came , he is now 73 mars of age and daily visits the office in order to consult with sembors of Farben, Dr. von Minberg also discussed the situation provailing in Germany, and although he was a Jow, he approved fully of the movement." I also had a number of Jewish friends who at the time hoped as I did, that the radical measures would cease, and that they would give way to more moderate views. Neither I nor many others who at the time joined the Party could suspect that a number of years later Hitler would become crazy and would throw Germany and a large part of the world into misfortune. The normal German men in my opinion could not suspect that at the time in the year of 1933. As a matter of fact, in the spring of 1933, I was impressed by the fact that the

MEDIAF tried to bring about an adjustment concerning the attitude of the corners toward the employees. They always stressed the necessity for acoperation between manual laborers and the intellectual workers, and this was always in line with my social views. Maturally, my initial arms were very soon disappointed. The first attacks against Jaws and Unish property disappointed me greatly. Then followed attacks in the malbural field and we witnessed all the excesses by the labor front. I was almost glad when in the fall of 1933 I was one day informed that I was almost glad when in the fall of 1933 I was one day informed that I was dismissed from the party cum informia, with shame, because it had been found that I was a Free Mason of the highest grade. The Free Masons lodges in Germany had been dissolved in the meantime to my regrot. In 1917 I joined the Free Masons, and I reached the highest grade there. When entering into the Party I truthfully stated those facts as I was abliged to, but, as I said, half a year later I was expelled.

I May I put one intermediate question here? The Prosecution has submitted a photostatic copy of your NSDAP card index. That was Document NI-3711, Exhibit 1619, Document Book 66, page 23 of the English, and PAR- 23 of the German text. In this card index your expulsion from the Party because of your membership in one of the Free Meson ledges in the part of 1934 is noted down. The pate, however, is so brief that it does not permit a definite conclusion as to the date of your expulsion from the Party. Could you perhaps clarify the date?

a I believe that the difference is rather negligible, but my memory sould decrive me. all my material vanished in 1945 when I had to leave my house. All my money and my other property also disappeared, but I is remember as a result of other incidents that my expulsion from the Party took place in the fell of 1933. The difference in the date I can only explain because I paid my dues three months shead, and it is possible that at the registration office of Duesseldorf the expulsion is dated back to 1934, because I paid my dues up to the 31st of December, 1933. The cerd index shows furthermore that up to the summer of 1939 I remained expelled from the Party. At that time a general decree of Hitler

was promulgated greating pardon to all former members of Free Lieson lodges; that ductio was dated the 22nd of July 1939; this decree is elso entered into the card index submitted by the Prosecution and it says there that the expulsion was made invalid as a result of that agnosty. Dr. Ley enderwored to get me back into the Party, and then he told me of that fact, I could hardly reject his efforts on my buhalf, especially in the year of 1939. In the meantime I had experienced so meny dis-dvantages and difficulties as a result of not bling in the Party, and that in my capacity as a plant manager and as a private person. As a result of these purely external reasons, I could hardly reject the efforts of Dr. Leg on my buhalf. The pardon of Mitter contained the information to me that as a former member of a lodge I could never hold an office in the Party in the future. The Firty showed a great deal of suspicion towards me and that also held true of the labor front. This suspicion did not change during the following years, again and ogain I had difficulties, even whom in 1940, I think, I was appointed to the Vorstand of the Association of the Gerran Chemists. Dr. Ley's part in that respect was rather populiry; on the one hand there was no relation of confidence between us in any way "t all; on the other hand, Dr. Loy in some way was attached to Leverkusun, and he expressed his attachment on the occasion of his wrious visits at the city of Leverknson.

In his speeches he attacked Farbon and he again and again shouted cout his dismissed in the year of 1927. In reality, however, he was groud of the fact of having belonged to this most besutiful plant of the German chamical industry. At every apportunity he caphesized that se was a chemical engineer and moreover he still respected the directors of that plant. Quite often Dr. Ley assisted me whenever I had difficulties with smell Farty functionaries. On the other hand, I remetodly had violent clashes with Dr Ley then I tried to writicize Firty necession. In spite of the denger, I cleave criticized the excosses of the Party during all the years that followed. I personally climys rejected and neved away from these exaggerated measures of the Party. Mainly, I intervened on behalf of many racial and political personutees. By defense counsel will be able to submit a number of affidavits in that connection. I must confess that it was difficult for as to get these effidavibs because I did nothing but what every ordinary hugh being considers to be a matter of course. Personally, I was sucryland and controlled by the Gestape which also checked my correspondence. That they did wrish because of the many friendships with Jons. Among my best friends there were many Jews, especially in the field of music to which I am very much attrached. For a long time I supported the well-known Koelnische Zeitung in their fight for independence from the Party and the Porty press. I supported them by mking considerable money contributions from the Leverkuson plant, I navor was active for the Party. In the same way, to the considerable Emplyance of Party functionaries, I never visited many Party meetings to long as I was a member. I only paid the prescribed Party membership due in the year of 1933 before my expansion. I never received a book showing my membership.

Q Dr. Kuchne, the prosecution has charged you that through a notice in the Farben Plant Leverkusen, dated the 25th of April 1933, you had expressed your sympathy with the Party. This is Document NI-6960, Exhibit 82, Document Book 4, page 79 of the English and 104 of the German text. Would you briefly explain that?

A I must confess that this charge of the prosecution remains incomprehensible to me. This notice, which I had to publish upon the request of the government, commences with the mords, and I quote: "The sovernment requests that the lat of May be designated as a day to fastival for all workers." Morely this introduction shows very distrly that I only transmitted on order by the government. The next statings reads, and I quote: "Since it is important that on this day the whole of Germany stands bubind the gogernment, we request all collargues and associates to attend the rolly on this day and thereby show our will for cooperation. " The Party is not mentioned here at all. I only spank of the government. If I resember correctly, that, at the time, was still a combition government, out of twelve or fifteen cinisters, there were only four National Socialists. I don't believe, I need arke any further explanation. The last sentence of my notice shows that the other national offices of the city of Leverkusen-lesdorf perticipated in the meeting of the MEAP. I could like to geint out temobling to the Tribunch. A, the glant landers, in the somes of the law for the order of metional labor had to gether our amployees on overy last of May and it mas our duty to make a patriotic speech to them. That was our duty.

Q Dr. Kuchne, the prosecution has furthermore offered a letter into evidence dated the 19th of Merch 1933. The letter was addressed to Dr. Tabl and that is Document MI-1091, Embiect 83, Document Book 4, page 60 of the English and 105 of the Comman text. The letter boars no signature. The incriminating sentence of that letter reads, and I quote: "Even we would welcome it if very soon the National Socialist cims would be represented suitably in our plants." How can you explain that?

A I should like to point to one word in that sentence: "A suitable representative." Immediately after the seizure of power by Hitler - that is, immediately after January of 1933 a number of Porty members who behaved rather wildly tried to get hold of the reigns among the

markers and I am referring to the so-called plant council. We called these people the so-called 150% Nexts. I had to fight against these people, at first, of course, I didn't know that the organization within the Ferty was like, but I did know that one of our chemists, a cortain Dr. Johl, who was a very reasonable can, held some sort of position in the Party. I remember very well that I had him called to me and taked him to see to it that these 150% Wasis abould disappear and that only reasonable and suitable people of the Party should be represented in the plant council. The Farty after all demanded that they fill the position in the plant council. I think that this latter morely confirmed our conversation. See that any rate, I do remember the incident your well which proceded this draft for a letter which it might well be.

The Number, the presecution in Book 7 on page 31 has quoted the minutes of the conference of plant leaders at leverkusen of the 21st of april 1933. This is Document MT-SASI, Exhibit 170, Document Book 7, page 11 of the English and 31 of the Garana. The prosecution stated in that connection that in the first sentence of these minutes you had expressed your approval of the presence of National Socialism.

That can you say about that?

A as far as I remember, here again I didn't montion the Party with a single word. I only said that I was gled that we again had a severagent which promotes duty and work as its major principle, which wants to avoid interference with private enterprise, and which wants to bring about a comparation between manual and intellectual workers. I don't think that approval of such a state of affairs is in any way criminal. Apart from that I need morely repeat that, as far as I remember, we still had a coelition government at the time. But let me refer you to another point of the very same minutes. At the time, a number of air raid precautionary measures were discussed which had been ordered. At the end of those minutes I said, and I quote from

page 17 of the English and page 36 of the German text: "Muchne states, concluding the report, that only those matters be put into offset to which the plant could be forced." This, in my opinion, shows clearly by attitude at the time.

Tour Honor, in this connection I should like to submit a number of induments into evidence. I should like to submit Documents 13 up to 35. They refer to the connections of the defendant Kuchne with the Party. Those are mainly Documents 13 up to and inclusive of 17. At the same that, these documents constitute general testimonials of the defendant's our rector and that particularly refers to Documents 18 to 25. Finally, these documents refer to Dr. Nachne's attitude with respect to the su-called Jewish question. These are in particular Documents 26 to 35.

I shall start now with Document 13.

Here the Cormer deputy Ortsproppenlaiter of Leverkusen-Mesdorf states that you Rushne was in no way an active mader of the MSDAP. This is on a 31 of the book.

The next document is an affidivit by the liness Milhelm Toedhaum, who, from 1933 to 19.0, was the torm after of leverhasen. The witness scorns the superstant the fir. Nuchne be charged with sympathy for the Tort.

The thanks it is reducations and be quous conclusive facts. In particular the witness states in the last paragraph of the affid vit that he hamself had difficulties with the Party because he had friendships with reachiously and anti-Party elements like Mr. Muchine and Mr. Brueggmann.

The next document, your Monors, will be the affid vit of the witness Joerss. This will be Document and Exhabit Mumber 15. From 1933 up to 1937 this witness was the deputy head of the social department of the ferben plant of Lavariagen and he was in charge of negotiations with the Labor Office of the German Labor Pront and the NSDAP for Leverskusen. The witness, under paragraph 2 of the affidevit, confirms that Dr. Kuchne and the welfare of the workers very such at heart; that on the other hand as aid not desire incorference by F re organs. Furthermore the witness states that Dr. Mashna had numerous differences with the v rious Party organizations and that he had the undesirable to to of hewing to adjust these differences. In other words he almost in the role of a buffer for both pirties concerned. Under major h J of the affid vat the witness declares that letters such as the one to Dr. Tabl Ested 19 Lby 1933 - this was centioned by Dr. Rueline before - were the very opposite to being a support of Farty propaganda. Dr. Jourss confirms here that the idea of this lebbor was the very opposite to being a sup ort of Party ropa ands. The meaning of the letter was to get moderate and reasonable people into the MSBO of the Farben plant of Leverkusen instead of using radical members of the Party.

The next document will be Exhibit 16. This is an affidavit by Dr. Orl Document who, for many years, was an expert for inorganic matters in the directorate of the Leverkusen plant. The witness reports on the fact

of Nurch 1935, had considerable difficulties with the German Labor Front and the Gauleitung because these Arty agencies had issued a grahibit on to their members to bound the funeral concernies. Dr. Kushne Lagedia of opposed this prohibition and agencies had rating for the rating for the rating of such a panelos.

The next document, Whithit 17, is an afficient to Dr. Jons Kroom the, from 1935 to 1944, was an assistant to the Arabbara in the Jaroon Last at Leverhuson, the sit s on example come group the relation between Tr. Muchne and or. Loy, and the reports a class shiet took , lace about the middle of 1940. At that time there and been a emjor air raid on the Farben plant of Levickasen and a var large store of phermaceutlant rosucts had burned. The damage had bear very considerable because this sotre was kept in a looden construction which was rethor old and it was intended that this store be regulated by a massive stone construction, but in spite of aparents toly sixtuen applie times to this effect that had not been done. It had not been posetals to achieve the aproval of the rosponsible authorities in order to beind the necessary construction. After the damage had occurred Dr. Ley appeared at Leverkusen the very next day with a staff of the runction iss. He said that Dr. Muchne was responsible for the day of then Dr. Wishne pointed out like the guilt it d to be planned on those high appreciant to refused those applications for a new plant in spite of its urrange and bon Dr. Tuches toded that those spendies always then he that they know ever the as much better Dr. Ley completely lost his and rand should tor. Busing furiously: "Dr. Suchra, I shall copera com to the colors. I shall have you gut a cona wall and shot." A. Kuchno some what he is a not a quared to Leaten to such remarks and when he asked now he was supposed to have avoided the damage Dr. Loy replied: "Had you turned to me in time than I would have Placed the churches in the vicinity of your disposal. Then you could have transferred all these products into the churches and the products would

have been safe from bombs and five in the crypts of those churches. For .

Nuchre answered, "Dr. Ley, what wealt the horsen roots have said about sanothing like that." The affidavit confirms what between Dr. Ley and Dr. Nuchre was no relation of confidence. On the contrary they were very much opposed to each other.

The next document and Achibit 18, is an affidavit of Mubert
Havenith who is the municipal music director at Leverkusen. He confirms
that Dr. Kuchne always promoted musical interests at Loverkusen to an
exceptional degree and this also in opposition to the NSDAP. In particular
whenever the performance of church music was concerned.

The next affid wit is Tabibit and Decement 19. This is an affidevit by the amsician Franck. He was the mendactor of the plant erchestra
of the Parbun link at Leveringen. This editors too confirms the exectional encouragement given by Dr. Nuclear to the musical activity at Levin mean
and this in opposition to the Nober. He continues to say that Dr. Nuclear
openly criticized Hasi measures and he had experienced that on the occurren
of cary conversations with him.

The next document is Document and Exhibit Number 20. It is an affidavit of Dr. Scharf. This witness was the chief business manager of the Union of German Chemists and has known Dr. Kuchne for many years. He confirms that Dr. Kuchne's views were opposed to the Nazi regime and that the NSDAP made difficulties when Dr. Kuchne was to be nominated to the Vorciand of the Union of German Chemists.

The next document 21 will be Exhibit 21. That is an afficivit by Alfred Verster. He is the commercial semior director of the chemical factory Kalk. This witness confirms that Dr. Muchan has advanced cultural and particularly musical interests. Als that he held descerate and pacifistic views and was opposed to the Nazi regime on its radial policy. He furthermore confirms that Dr. Muchan was friendly with a great number of Jews and that during the critical time of war he particularly assisted half Jews. He employed them because they and no other possibility to earn

25 H roh - A-LU-25-6-fdlls (Ramlar) Sourt VI - Chan VI

their living.

The most document will be Document 22 and Millit 22. This is an afficient by pr. Muss, the memour of the Verstand of the Duisburger Mapforhuette. I should like to ask the Tribunal, in the case of this document, to read every word of this affidavit, which is not very extensive because in my opinion it throws a particularly good light and correct light on Dr. Machanis character. You must take into consideration that Dr. Muss himself is a man of high standing and good character.

The two next documents, Exhibits 23 and 24, I can surparize. These two witnesses, Heinze and Daverkeusen, are all workers of the Leverkusen plant who, already at a very carly date when he first came there, worked with him in the sulpheric acid factories. Both give him very good testimonials as to his character and they confirm his descentic and social attitude.

The next efficient is Exhibit 25. It is an affidavit supplementing Dr. Kuchne's statement which he made concerning the support he gave to the publisher and the proprietors of the Kochnische Zeitung. These witnesses do Mont confirm that Dr. Kuchne on behalf of Perban supported them in their offerts for an independent press and in their opposition to the totalitarian demands of the NSDAP. After 1933 he contributed at least 30-40 thousand Reichsmark through Perban.

The next document is Exhibit 26. It is an affidavit by Dr. Schuctz, former member of the Verstand of the gashtleben company for mining and chamical industry. This also constitutes in examplerary testimental of Dr. Kuchne's character coming from a men who has an outstanding character himself. The witness has known Pr. Kuchne intimately for more than 20 years. He states that Dr. Kuchne was decidedly apposed to the Hitler regime and to every kind of militarism. Pr. Kuchne, he says, was strongly apposed to Hitler's policy with regard to the Jaws. I should like to ask the Tribungl to give particular attention to that officiavit.

The next document 27, your Honors, is exhibit 27. It is a testimonial by two Dutch industrialists. Thomas and Terboven, who have known Dr. Auchne for many years, and consider him a man of high standing and good character. They also mention — and I shall revert to that later — that Dr. Kuchne

gave them free insight into the Laverkusen plant. Finally, they confirm that Dr. Kushne never made any favorable comment in the Magi regime towards them and hid not say anything unfavorable about the Jews.

The next document 28 will be Exhibit 28. That is an affidavit by Dr. Peterson, member of the Verstand of the Estalligosellschaft ...G., frankfurt on the Main. Jith respect to Paragraph 1 of that affidavit, I shall revert to it in connection with count 2 of the indictment. I should like to tak you to give your particular attention subject matter concerning Count I saying that the two general directors of the Prager Verein. Dr. Major and Klasch were personal friends of Dr. Auchne and both were of Jewish confession. This efficient, too, is an exactlent testimonial of the defendant's theracter. Finally, Dr. Peterson centions that he himself was a recial paracounter of the Mazi regime.

The next document 29 is Exhibit 29. It is an affidavit of Dr. Simon, the director of the firm, Sachtloben, A.C. for mining coal and charical industry, cologns. I should like to ask the Tribunal to take notice of that iccument. You will find it on pages 66 to 67 of book I. I should like to mention in farticular that Dr. Auchne stated in November 1938 to those with asks subsequent to the anti-Jowish events: "I am ashemed of being a German."

The next document will be skhibit 30. That is an affidavit by the chemist, Dr. Benekar of Leverkusen. He was the Section Torstand at the Perbon plant Loverkusen. The witness had a Jawish wife and during the years after 1933 he was protected and supported by Dr. Auchne in every possible way.

The next document 31 is Exhibit 31 is a testimonial by the student of Chemistry, Klaus Florey. He was formerly at

Holdslowing and he is now in the U.S.A. This is supplemented to the affidevit by Frau Dr. Erna Kroen. This witness plorey was protected and supported by Dr. Kuchna when, as a half yow, he was about to be sent to a forced labor camp.

The next effidavit, too, is a similar statement. It is issument and exhibit 32. It is an affidavit by Fraulain quadort. She, too, was caployed by Dr. Kuchna at the Ferben plant at Laverkuson, being a helf Jaw, although such a contract had been refused by the racial political office at Berlin.

The next document 39 is Exhibit 33. It is an efficient by the witness, Serwas of Cologno. He reports that Dr. Kuchno in 1934 vigorously intervened on behalf of the chamist, Dr. Rosenthal, who was persocuted at the time by the Gastapo. The furthermore confirms that Dr. Auchnows correspondence was amsored by the Gastapo. This witness had been a stonographer of Dr. Euchno for many years.

The next document 34 will be exhibit 34. It is an affilevit by the witness, Berliner of Leverkusen. He, too, was a helf few and he was at the plant from 1933 to 1945. He was supported and protected by Dr. Kushne in every possible way.

Finally, my last locument in this series of document will be Embibit 35. That is a cortified testimonial by Jr.

Hereelle Segre of Milan. He testifies that in 1937 or. Kachne approved the nomination of himself as general director of the Italian company, Societa Italians del Litopone of Milan.

Jr. Enchant tried to stop his dismissal later but in 1942, when an account of his Jawish origin the dismissal was made final, Jr. Euchne vigorously supported the witness's financial claims.

Your Honors, I should like to ask you to be able to conclude my presentation of evidence today at this time.

feet that the defendant is not so robust and perhaps needs a rist. Have you any other documents you can offer at this time?

DR. LETILIET: Mr. Prosident, I should like to adhere to the system which I followed so far which was to simultaneously ask the witness and offer documents at the sens time. I have now resched a point where I finished one subject and I should not like to offer the next documents before having previously eased the witness about them; but considering his state of mostly I should not like to do that any more today.

THE PRESERVE: If it becomes necessary for us to run

The Tribunal is now in recess until next Tuesday morning at nine ofolook.

(The Tribunal edjourned until 0900 hours, 30 March 1948.)

999 SO March-W-JF-1-1-Leonard (Int. Matz) Court VI Case VI

Official Transcript of Military Pribunal VI, Case VI in the matter of the United States of America against Garl Krauch, et al. defendants, sitting at Purnberg, Germany, on 30 March 1948 - 0900-1645 - Judge Shake, presiding.

THE HARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal is now in mession. God save the United States of
America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MASSFAL: May it please Your Honors, all defendants are present maye the defendants Lautenschlaeger and Emefliger, absent due to illness, and the defendants won Schnitzler and Duerrfeld, absent excused,

THE PRESIDENT: Are there any necessary announcements before we resume the trial?

Then you may continue, Dr. Lummert.

HAVE EUERICE - Resumed

DIRECT EXAMINATION - Continued

SY DR. LUCERT

Mr. President, lest Thrusder I had put a few general questions to the witness in the stand and then I had turned to the questions under Count One of the indictment. I had described the relationship of the defendant Eucline with the Party and, in that connection, I presented my documents up to and including Exhibit #35. I shall now continue there.

- Q. Dr. Kuelme, the prosecution oberges the Vorstand of Farben with having supported the Party with boney. Wat do you know about that?
- A. It has been exclosed remeatedly that the Vorstend of Varben, as a whole, did not make any particular contributions to the Party. However, the individual Vorstend memberal particularly the plant leaders, had the power and the possibility to give contributions, certain amounts. to the Party and its affiliated organizations. This was unavoidable because the pressure which came from the Party and its affiliated

and the difficulties which they were able to make to the plant leaders were different in magniture locally. For the American psychology this situation and pressure might be better explained if one compares the compulsory contributions with the various rackets that are in the United States. It is quite wrong to call this a voluntary support of the Party, that night have had the aim of helping it to carry out its program. Sabody among the Verstand had such an idea. Individual larger amounts which Mr. Schmitz contributed I was not informed about previously. In particular, the contributions were completely unknown to me which were asde for seweral years to the Circle of Triends of the SS in the amount of one bundred thousans marks a year. For the rest, it has been explained here repentedly that the relationship of the Farty to Farben was not a good one. That was also expressed by the fact that, as far as I know, apart from the landor of the Labor Front, Dr. Ley, neither Eitler nor any other prominent member of the Hitler government ever visited a Farbon plant, whereas other large plants were visited by Hitler or Goering or other, problemant members of the government. Only Dr. Loy, about whom I have *lready moken in a different connection, visited Leverkusen repeatedly because he lener it from before.

In that connection I offer Kuchma Exhibit and Document #36 which is in Document Book #1 on page 79 to 80. This is an affidavit of the vitness Roottger of the Office. Chief of the Farben Plant in Leverkusen.

So confirms that the Farben plants in Leverkusen, Elberfeld and Dormagon altogether, from 1933 through 1945, paid 190,000 marks to the Party and its affiliated organizations. That is to say, only 110,000 marks to the Party and its affiliated organizations, and the remaining sum of about 80,000 marks was for contributions for the winter relief and other purposes which to not have anything directly to do with the Party. The figures for the three plants - Leverkusen, Elberfeld and Dormagon - are consolidated for featons of bookkeeping here. If this amount is distributed over the twelve years that it was paid for and charges each of these plants with one-third

of the share then, an amount of only 3,000 marks was paid per plant and per year. I believe that this figure shows the extreme insignificance of the contributions. I ask that the Tribumpl then turn back to Document 25 on mage 55 to 57 of Book 1. There the two witnesses Du Nont explain that Dr. Kuehne supported the Koelmische Zeitung in its fight against the Farty with about 30,000 to 40,000 marks. If one compares these figures with the small amount that was paid to the Party, then this is a further indication how small the support was that Dr. Kuehne gave to the Party.

I now put my next question to you.

The prosecution charges the Verstand of Farben and also you with having planned wars of aggression together with Hitler. What do you know about that?

A. I personally never believed that Hitler would wage a war of regression and I connot remember that there were definite indications for a war of aggression. Farban neither planned a way of aggression with Eitler mor did they desire it. Dr. For Near has already stated that Farben would know been arony if, after the experiences of the first World Wer, that would have desired a war, since at that they lost 55% of their world wirkst and, is a new war, even if it would be victorious for Gormany, the would only again lose a part of their business. I personally noither becomes of my activity of e. Vorstand member nor in general had any idea "tout wers of aggression as is proved by many events for which my defense counsel is going to present decuments. Above all, immediately before the sutbrook of the war, that is until the end of August 1939, I worked together with many foreign firms and made available to them our experiences in the Frious fields. For instance, still at the end of August 1939, Leverkuson chemists and technical men were in Billigham in England in the plant that vas constructed by the IOI. In the same way, Lewerkusen chemists still in toget 1939 helped the gas mask carbon factory in England that we had bilt. In France as well our technical men of the Lewerkusen plant were still working in August 1939 with the gypsum sulphuric acid plant and the

explosives plant of the French Government in Saint Germain. When they left in the middle of August a new visit was arranged to take place in September. Furthermore, technical conferences had been arranged for September 1939 with the Belgium firm of Solvey, the British firm of ICI, and the Prager Verein, in Germany, in order to embange the recent expersences in the field of chlorine electrolysis. This collaboration with the foreign countries shows that Farben and I myself in no manner worked towards weekening the foreign industries but that, on the contrary, we promoted and supported them, even where strategic products for war were involved. In July 1939 my colleague Brucggengan, the chief of Titen desclischaft, in Lewercus en, Dr. Rasco and myself, together with our wives. visited business friends in Norway. When our "orwegien friends asked us whather we considered a war possible we all unanimously answered at the time that we considered that completely out of the question for, we said. Attior despised war since he kinself had experienced the worst part of it buring the World War and that he, Hitler, Comired peace. These answers vere in accordance with our sincere convictions. Still as late as the 25th of August 1939, one of my some, who was an employee of the sales combine Phorna Bayor, had loaded his automobile and bacgage on the Steamer Praetoria and he wanted to sail to Johannesburg, South Africa, from Hamburg. he had been given a three years' leave of absence because he was a lieutenant of the reserve. Moither he nor I nor my wife believed at the time that t war would come about for otherwise we would never have permitted our son to leave, five days before the 1st of September, to go to South Africa. Furthermore, I personally was always opposed to war and I was against the military and because I was a Free Mason I had a pan-European attitude and considered myself a citizen of the world.

In this connection I first of all offer Document 37 through al. They show that the defendant Kuchne always was expressly opposed to may and that he always expressed that opinion in Leverhusen and to all mas friends. First, I present Document 37 on ange 81 in Book 1. It is an affidivit of the chemist and department chief Dr. Struf in the Farben plant in Leverhusen. We are here concerned only with paragraph 3 of this affidivit but because of the connection I ask that the Tribunal take notice also of paragraphs 1 and 2 on mage 81. Mould the Tribunal plants be kind enough to read through this short affidivit? Then I do not have to quote it anto the record. From paragraph 3 of this affidivit I want to amphasize a sticularly that Dr. Ruchne slarys expressed his feelings to the effect that no articular war plants must be constructed in Leverhusen. We agreed only with consequencing a new plant if its products could also be used during pelos time.

The next document 36 will become Entitle 38. This is an affidavit of the int deller won Much und Toschono ite. This it meas has known Dr. Nighte since 1925 and Dr. Duchne stated to this man in 1939 that he did not think that Mitley would be fooder, ence has start a one.

The next document 39 will become District 39. This is an affilivit of Kushneis son, wolf ing. He makes described at tements about those factor bout which Dr. Kushne has testified, namely that at the end of August 1939 this witness foliging Kushne are about to leave from Hamburg to South Africa with all his baggage and with an automobile and that this trip could not be begun because the steamer was held up. I believe this is a clear great that Dr. Kushne and his entire family and his firm, with which the ion was working at that time, didn't believe that we would come about.

The next document 40 will become Exhibit 40. This is an affid wit of the director and department chief in the Leverhousen Farben Plant, Dr. Klebert. Dr. Klebert describes Dr. Kuchnets reaction on the first day of the war. I believe it is remarkable and I should like to quote a few lines literally. On the 1st of September 1939. Dr. Kuchne said to Dr.

This time this will not be restricted to a war squast Poland, but this beginning will bring thout a landstide of a word mark the formula beginning will bring thout a landstide of a word of a scriffice which we are the property of the start of a scriffice which we tall peoples will have to bring shall be in no reportion to any bossible profit, but more than those material specifices will be the moral degeneration and brutality of the peoples against each other and it will take a long time before the psychological and physical damages that the war will comes will be overcome. I, in my age, shall no longer experience that I can talk to my foreign friends in the same way as I did up to now."

The next document and Exhibit Al is the "fild wit of the mitness Sensitz, the former chauffour for many years of the defendant Kuchne. I was here a releasely concerned with anymorph 3 of this affidavit. This is to be found on page 90 of the document book. On the day when war broke out, Dr. Kuchne said spont releasily be the witness Sensitz that the war was a crime which General's leasely be the witness Sensitz that the ware completely ignorant of the relations and only because they were completely ignorant of the relations and end tions abroad and he said that he regretted that he could do not be a sensitions abroad and he said from above.

I now offer decement he thus in A7. They have mother content.

They do I with the close collaborative over a long grand of years with the foreign countries in the fields of charistry. The first document is the which will become at bit 42. That's on the 92 to 93 of the book. This is an excerpt from the wherier a charier a periodical "Charmeral and Fot Illursical Engineering", dated September 1935. Because of the significance of this excerpt I permitted myself to attach photostatic copies of the two pages in question to the document book. May I explain the photostatic copies briefly? The author of the raticle, who is at the same time the publisher of this periodical, his Kirkpatrick reports in great datail about a visit

in Loverkusen which was undertaken by a group of imerican chemists in 1936. On the first page of the document - that's 924 of the book - there is a partial picture of the Loverkusen plant. May I point out the whirf there? The whirf can be seen on the right on the round picture also. It the bottom, there is a photograph of some of the factories and since that picture isn't vary clear, may I hand your Honors the original photograph.

D.C. INLERT: I want to ruste two passages from this treatise. One is the address that Dr. Kuchuc ado at the time. It has been reproduced are only in emergts britily. On the first photostatic copy on the right is the paragraph in such print, page 93 at the top. It reads: "If you as the representatives of the electrical industry and science of your country have come here to get better negurinted with our plant, we on our part would like to empress the hope that such an accumintance should, to the seme time, be a personal a ground and that new friendly relations might be created between us. Two countries such as America and Germany onle have the west moder; and lost officient charles industries of the world must, in my opinion, never again renounce the natural exchange of thought and ideas but should although and again in such an contage, valuable suggest and a consecut correlationt of the soil of science." Then I should like to wowe from page 934 which is the second intostatic copy. This is a process from which it can be seen that the Casus American charist Unalary, the won the Perkins andeallion, interested Masolf particularly in the one projection in Lovernmen. On the photostatic copy it is the assays that is underlined on case 93A. int I read briefly on page 93. "Fire of were asked if there are anything also that we would like to see one sereone (orhaps it was a distinguished Fortin Modellist from Alwen) surrested that it would be interesting to set the production of the new synthetic rubber "Buna, " provided time was to objection on the part of the rangement. Dr. Kuchne quickly arranged - trip to the new plant, whore to more shown the final steps in the process during which the polynorized roduct is milled and calendered, sompounded and finally fabricated into samples for commercial testing. Tires and tubes ande from Euro Two demonstrated superior performance over those ande from natural rubber elthough it must be remembered that sconomic values are necesures with a different pardstick in German when the comparison is between on imported and a demostically produced " Locity." ir. Unslage, from the firm of Goodrich, is the tall inn on the picture next to Hr. Kuchno.

10127

The last securent, which is also Exhibit Humber 43, is the affidavit the director in the Leverhusen Ferbon Plant, Dr. Klebert. That is the director in the Leverhusen Plant, Dr. Klebert confirms a close sollaboration over many years of the Leverhusen Plant with the foreign sountries and particularly with British India, Poland, Japan, France, England and Shitzerland, in the field of the gypous sulphuric acid process and that was up to and including September 1939. I believe that I do not have to quote more from this cifficavit for the record.

The next document, which is also Echibit Number 44, is an affidavit of the extress Dr. Camer, the cidef of the patent section in the Farbon plant Loverhusen. The witness confirms that until 1939 negotiations continued with the Imperial Chambeal Industries in Billingham, England, with reference to the secsion of the grown sulphuric acid process. The continued ware interrupted because of the outbreak of the war.

The next affidavit, which is Exhibit Number 45 and Document 45, is soon to by Hugo Erstling. He is a works manager at the Parbon plant Leverhusen. This mitness confirms that in the manner of 1936 and 1939 until August he worked in France in the chamical plants Etablissements hullman. This is a state plant, where he worked by order of the Farbon plant leverhusen, to assist in the installation of a new gypsum sulphuric aid plant. The enclosure to this affidavit is a letter of appreciation by the French firm bearing the date of 7 August 1939. From this enclosure it can be seen that already for the south of September, another visit has arranged.

ill. SPRECHER: I think Dr. Nuchmo wants to make a correction.

A. May I point out in error of my defense counsel. This is not a state plant of Kuhlmann, but the conditions were different. The firm of Middleran had a sulphuric acid plant in Scint Cormain on order of the to according to the Laverkusen process. But the firm of Kuhlmann was the state owned plant, but the explosive and powder plant Scint Germain was the state owned plant. Kuhlmann was only the reporter of this meeting the had acquired the licence for this process with us.

DR. LIREERT: I believe that I can state that the result would be

The next document and Ethibit Number 46 will be an afficient of the Leverkusen the witness Dr. Niemann. This is a department chief of the Leverkusen plant of Farben. That is the first document in Volume 2 on page 101 to 102. The mitness confirms that the Parben plant in Loverkusen readily collaborated with foreign countries in the field of netivated charcoal and carbon and cooperated in particular with France, the Netherlands, Commonlevening, Italy, and Japan, and that there was particular cooperation with England up to the end of angust 1939.

The last document in this group, Number 47, Exhibit 47, is an allidavit of the afficient Paubel, who was formerly in charge of the Ferben plant guard at Leverkuson. On the basis of one particular case, the affiliant confirms that the Parben plant Leverkuson did not keep secret from Foreign countries may results of the bunn research work up to 1939.

I now turn to my next question. Dr. Kuchne, the prosecution charges Farken with having supported represent and thus having committed a crise winst peace. That have you to state about that?

t K and L plant, Of course, it was unavoidable that individual products Leverinsen plant also core employed in emanants industry during . - War. For samy decades we had produced dimitrobenzol in large which was an intermediate reduct for dyc-stuffs and pharmacouticals. During the war it was partly employed as an addition to explosives, limits in itself it is not an emplosive and is not combustible. In the the part regulations of the builder it is not classified as an explosive or is a composible material. Pertionere, during the war scoke screen that there produced in Leverkmens during the war were employed. It is a mixture of hydrocaloric acid and sulphuric acid which is delaydrated. witch we produced during perceti a as so-called chlor-miphon acid forstockl a intermediate products. The same applies to the activated record which was used for the regaining of solvents during peace and in martine it had to be produced as a filter for gas make in granulated ord. All this can ot be considered from the aspect of regramment for Tr of aggression. Neither I nor my of my chemists in Leverkuson bolleved that the German remarkant was to serve a var of aggression. "s mon, from the first World for, that a country such as Germany, that and men too little natural resources, could not ange a war with eny a secucions of victory. I myself did not doubt the sincerity of the Amereus affirmations of ponce intentions that Hitler ando. However there is in old latin stying which stys "Si vis pocon, para bollum." President Michington tor said, "If we decive to secure peace it must be known that to tro at all times ready for ter. " The truth of these words is also Theignized by the United States today. I believe that American industrialists tould consider it as insult if they were to be charged today with the feet that their present rearmment measures are to serve of aggression.

parhaps conclude that Garmany's rearmament exceeded the necessary defense of foreign attacks? How about sulphuric acid deliveries to the Dynamit Nobel A.G.?

A Mo, I couldn't conclude that in any way. I had no insight into this since the rearmament plans were not known to as is dotail. How should I know what rearmament was distincd for a defense and what rearmament exceeded this intention and was destined for a war of aggression. At best this could be seen by the general staff of Cormany and in the final analysis only the supreme Corman leadership. As far as the deliveries to the pag are concerned, the Dynamit Nobel ...G., considered in the framework of the entire turnover of Ferbon and the Laverkusen plant, was only a very small part in the sulphuric acid, The figures for our sulphuric acid sale in Leverkusen were the following in 1939, approximately: Dout 100,000 tens from our production went to the Gorman Ammoniak@cscllschaft for the production of ammonium sulphate for fortilizer; about 50,000 tons went to the Titan Gasellscha for the production of titan white; about 8.000 to 10,000 tons want to the Dynamit Nobel a. G. Even if the Dynamit Nobel 1. G. had received increased amounts of sulphuric acid in the years following '33 this would not have given me the idea that a war of aggression was being planned. I must

colain in my capacity as a chemist that the DAG produced suplosives during pasactime mainly for mining, quarries, and so on. After 1933, because of the construction of autobahnen, bachuse of the opening up of old quarries, of old and new mines, a large amount of increased need for explosives was eronted, and for this purpose more sulphuric acid was necessary also. The more or less heavy consumption of sulphurid noid depends entirely upon the method of work in the explosives factories. The explosives factorids normally produce sulphuric acid back again which is only used as a patalyst in the production process. The sulphuric acid only han to absorb the water that is created during the process and it doesn't actually become a part of the explosive. If the production is increased extremely, then the explosives plants mostly have not the necessary machinery for regaining the neid and the sold is permitted to drain away, so that a harvier consumption is created which actually doesn't have to correspond with an increased production in explosiv as. From the consumption of sulphurio acid then, one can not necessarily conclude about the size of the explosives production. It is also dicisive, and I have pointed this out already, that the DAG, when compared to other large consumers, was only a comparatively small purchasor of the sulphuric acid production of Laveriusen, and Farban as a whole. I never worried particularly about this small itom in our sales, and in that connuction I never thought of a war of aggression nor could I have thought of a war of aggression in that connection.

The entire rearmament was carried out only in order to invade other countries, and that avery German could have seen that from Point 3 of the Party program of the NSDAP, which reads as

Collars: We demand soil and land for the maintenance of our prople and for the colonization of our excess of population. What have you to state about that?

. In my opinion one must make two sharp distinctions. In the one hera the very difficult economical situation of Granny and on the other hand the means with which these difficulties might have been overcome. The fact that Germany sould not food itself from its own soil and that it therefore needed the exchange by way of export and import of other nountries, that fact is known to the entire world today. colonics might have offered an equalization. I always considered it from the point of view of the world peace that it was a scrious mistake that in the Versailles Treaty the colonics were taken away from Termany because of power polities and that they were not later returned to us although they were only mandates. This could have been done by way of penceful negotiations in 1936 or 1937, and this might have provented the outbreak of war. I want to refer to a book of my morison friend, Hale, the excerpt from "Farmward March", which my defense counsel will present as Document Number 48. Held says that the trouble makers of the world were those nations which ogoistically rotain colonial possessions badauso ci their former conquests and which do not permit other prople to participate in their conquests. This quotation is found on page 105 of my Document Book 2. If Point 3 of the Party progrem domanded land and colonies for the German - mulation that was a very understandable reaction, which "ollowed the scizure of German colonies and the Eastern Ericultural territory after the first World War. But from this state of affairs one must separate very clearly whether these difficulties that beset germany might not have been settled by paneaful means through negotiations or whather they were to be evereene by a foresful policy of war. I can only restarate here that I never believed Hitler to be foolish enough to begin a foresful war of aggression.

I now offer Document 48 which is Exhibit 48. This is the except from the book "Farmward March" of the American Halo which except was mentioned by Dr. Kuchno.

IR. SPRECHER: - Objection.

DR. LUNCERT: May I answer that the book has appeared long before the war -- 138 or 139.

THE PRESENT: State your objection for the record, Mr. Spricher.

perticularly some foundation with respect to "chemurgy taking command, etc." seems to us to have very very little relevancy hare. The fact that he was a friend of Dr. Auchne might have some influence if Dr. Kuchne were to tell us whother or not Mr. Hale and he discussed some of those ideas beforehand.

That is why I didn't object when Dr. Kuchne was stating it.
But the utility of this book of opinion written in the United States in 1939 by a man who is otherwise not identified, it some to us is searcely deserving of consideration as evidence in this case.

THE PRESIDENT: Well, there is much to be said in what Prosecution states as an objection but as we understood Dr. Kuchne he prefaced his hatimony by saying that this book expressed his ideas and as reflecting his thought, his ideas, about this problem, we will admit it. Bayond that the Prosecution's objection will go to the weight of it anyway. The objection is overruled.

BY DE. LULLERT:

Kuchne, during the years following 1933 had collaborated with the Wehrmacht particularly closely. First question: The Prosecution charges you that in January of 1937 you had organized a so-called planned exercise (Flanspiel) as a tactical manoeuvre. The draft of this planned exercise is NI-4619, which is Exhibit 103 of the Prosecution in Document Book 7, on page 41 of the English and page 78 of the German. that have you to say about that?

A This planned exercise - and that is very difficult to translate in English - it isn't a war game and it isn't a tactical manocuvre. These the expressions refer to tasks of the General Staff but not a chemical factory. The title of this plan shows that this was an exercise in sconcaics which was called a military and economic planned exercise in the accompanying letter of 22 September 1939. This planned exercise ims carried out on the basis of an order of the Ministry of Defense. The sense was as follows: It was to be determined how the Leverkusen plant could help itself if it was damaged by enemy bombs during the war. It was an air-raid precaution exercise which dealt with the consequences of an enemy air-raid but it had nothing to do with preparations for an aggression, for a proper aggression. We didn't take this matter seriously in Loverkusen at the time because we didn't believe that any wer would come about since the re-occupation of the Rhineland 1936 was conducted peacefully. I quite openly termed this exercise as a lot of theatre performance during a meeting of my directors. It seemed to be most important to me that the people from the Wehrmacht

and the other guests should be properly served with wine and good food in our casino after the exercise was over. If the Vermittlungsstelle—
I in Document NI-4628, Exhibit 186, Document Book 7, page 48 of the English and page 102 of the German says that at the end of January 1937 that the planning work had now also to be taken up in Leverkusen, then that meant only the so-called production plans. In connection with the planned exercise the Prosecution mentioned map reading which is a military affair but that is quite wrong. The expression "planned exercise - Planspiel" meant that this exercise was conducted according to a fixed plan or schedule. Apart from that one also thought of the plan, that is, the map of Leverkusen.

A Exhibit 47, Document 49, is an affidavit of the Chemist Dr. Dohmsier which I want to offer to Your Honors. He confirms that in 1937 Dr. Nuchne frenkly termed the sar game as a farce, monkey business. Mr. Mitness, you were just speaking about the so-called production plans. That have you to say about that?

A These production plans sarely fixed what productions were to be permitted for each plant in war and what productions were not to be permitted to continue and what productions had to be restricted. Every entrepreneur and loader of a plant of course was highly interested in knowing how his plant and his production were to be affected by the war. For this purpose the production plans were drafted and discussed but here again it could be seen in no way that a war of aggression was being planted. Every state in every country in the world makes precautionary measures in possible case of war and I understood these production plans in that sense. May I mention once more that the Leverkusen plant was not an armament plant but only a K and L plant, that is to say, a plant which was necessary for war and necessary for life.

Q What have you to say about the measures regarding the observation of secrecy?

A My personal obligation to keep matters secret dated from February 1936, NI-4678, Exhibit 146, Document Book 6, on page 86 of the German

and page 52 of the English. I had to swear out this obligation of secrecy because the Mehrmacht demanded it from me through the Vermitt-lungsstelle-M. Such an obligation could not be evaded by any industrialist in any country of the world if its government demands that from him. But very soon an exaggerated handling of such obligations and secrecy regulations provailed. Thus for instance, the Secretariats very soon abused of the secret stamps. In conferences with my staff I frequently had to point out to what extent the abuse of the rubber stamp "secret" was being put to.

In that connection I offer Exhibit No. 50, which is Document 50. These are excerpts from the so-called TDC records of the Farbon plant in Loverkusen. I am particularly concorned here with paragraphs 2 of this document that is on page 109 at the top in Book 2. I chose this part of the minutes for an example to show that an economic use of the "secret" stamp was pointed out repeatedly. Mr. Mitness, may I come back once more to the production plan that you mentioned. What was the contents of this production plan for the Leverkusen plant?

A This production plan contained only a few changes as compared with the peace production in Leverkusen. This was caused because the export business was given priority far into the beginning of the war. Only for the tar dyestuffs production was there a certain restriction for Leverkusen. Leverkusen did not produce anything in which the military authorities were particularly interested at that time.

Q Dr. Kuchne, may I ask you now, did the so-called Security Service of Farben and Leverkusen have anything to do with the secret police measures on behalf of the Wehrmacht or with the Security Service of the SS, the so-called SD?

A No, this S curity Service which we also called the Plant Police had already been _ctivated in Leverlosen in 1921 when we had very unpleasant experiences with Chamists and engineers who were hired off by some American first and who took along important plant secrets or wented to take these secrets along. These plant secrets as I weelf could observe accidentally, they bud acquired by bresking into the deaks of their colleagues and superiors. I, therefore believe it was the right of our firm to have those people arrested. Details about this can be seen from the affidavit of the affiant Norbeck which my defense coursel will offer as a document and Eshibit Mo. 51. I refer to it erbeck himself was was a former official of the criminal police entered the private services of Ferben in 1921 in order to be in charge of the Security Service or the Flant Tolice. The ever increpsing thefts of material and ideas that were the property of the firm rade the ectivation of such an among an absolute necessity. It was the take of this Security Service to prevent espionage and to com at the disclosure of process secrets. This activit over many more had given valuable ... perionees to 't'. erbeck. When in 1936 the erection of a central a ener for counter empions a for industrial and scene is plants was necessary wis position was of ored to Mr. Merback, as so-called Do art ant A or Office A, in the Vermittlungsstelle-T. I'ds agoney of course has nothing to do with the SS, the SD or the Gestape and Herback had mothing to do with times poonle either as far as I know.

I want to present Document 51, Tabibit 51, which is an affidavit of the affirmt Jean Perbook who has just been mentioned by Nr. Kuchne. That is on page 112 to 113 of the Document. The witness describes the details of the incident at the end of 1920, beginning 1921, which brought it about that the Perbon plant in Leverkusen, which was called Eayer Plant in Leverkusen at the time, instituted this so-called security- service at the time in the plant. I believe that I do not have to read the details of this affidavit for the record but in this connection I want to point out Document MI 1078 which is Exhibit 1019, Book 13, on page 282 of the English and 283 of the Gorsen. There the former attorney-general Biddle 10138

of the United States mays to an investigation committee of the Senate in 1966 that Common chardcal plants already in 1921 and made difficulties to the American firms for hiring Commun scientists and that the firm of Supone the had take such as a trangle at our rejentists put into rison. This statement was made on the besis of improcous information or can be mean from the clickwit of the littles brook, Doom at Ho. 51. Doomant and Extisit No. 52 I of or next. This is a not ar affide wit of Jean broack. The witness says here that since 1921 here sonly in the private service of Parcen and that -Flow 1933 to the neither a norber of the Sestape nor that he worked for the so-colled SD. . take the libert ore to point to Document III 13525, Excitit 1951. This is a Letter from a defendant i journels written to Probasor Solck could 5 September 1931 and Mids latter was but to Rejonal i during cross our inction. D. (loweld erronequally colled forted: a combar of the C stone in this letter. This decement, 19. 52, shows that that was a vary grow. I now turn to by ment question: The Prosecution just bited for a furt or proof of the close collaboration of farbon with the arred forces a lutter to the retired Captain linker in Lovertowen detect 15 warch 1937. This is "common "T 4623, No. 1 1 t 491, Took 22, page 11 of the Emplish and page 20 of the Compan. This lot we rekes state on a about the appointment of Dr. William is becoming the Hilliamy Salvas ic for it. that the ton to say that this letter?

Lint in the Leverhagen plant of Forton. He had no relationship with the Flant manage out nor did he have anything to do with any managing agency. As far as I can remember I was informed of the latter that was written to him at the time. As I am able to see from the document here it bears the "secret" stamp. As far as I remember Plint r came to see me only in order to be paraission to accept this title. The name and title and significance of the illitary Economic Leader were completely strange to me but of course I had no objections for Flinzer to prospting this title, a latter which obviously have him much joy. I didn't make any further enquiries as to whether he was actually given this title or not. I morely know that Plinzer was an enthusiastic and good reserve office from the first World Mar and I assumed that the

Military Economic I spectorate, therefore, wrote this letter to him and mented to show him some honor.

of the Charist Dr. Flinzer who has just now been mentioned on page 116 of the book. The witness confirms that in 1937 he was to be appointed a litery Recordic Lyder but that the actually was not thus appointed. He furthermore confirms that this intention of his appoint out had nothing to do with the Tarben plant in Leverkmann but was only connected with the fact that he was a former officer in the first World war and that he was probably considered suitable for that reason. Dr. Kuchne, can you give no an example for the fact that the was a former officer that reason. Dr. Kuchne, can you give no an example for the fact that the West above that the Tarben plant as probably considered suitable for that reason.

A Yoz, that unfortunately did happen. I mention the case of Dr. Woodk, the chemist. D. . Mozak who in O tobor of 1935 without informing me previously accepted this secret mission of the Army Ordnance office to undertake experiments for the development of mustard cas in the laboratory on the besis of a new apparatus that he had invented. A prominately six conths actor I learned this accidentally. I repeatedly prohibited any further such obligations of secrecy behind by back and oven if there were entered into with the army I prohibited it. Furtherword during a stating of the plant Lorders I said at the tire that I would penis any ody with it officts dis assal was compared such secrecy obligations without in ording the plant capaca sant. The cree of D. Boack had a sequence occuse his direct superior, Dr. uder, who also Learned about thi even by chance a few months thereofter was suspected of unreliability. Despite all my efforts I was not able to obviate the suspicions the arry had against him because an unfavorable report of the SD had been made against Dr. Meder. When Jubel, who was the Abmehrbeauftragter of Loverkusen, the counter-intelligence man, to other with me, intervened for Weder, his position also because untenable and the result was that D. Feder was dismissed from Parbon's services and Dr. Faubel had to

30 Farak 1948-1-130 -6-4-Love (Nata) Court W., Case VI

Take a position in another plant of Farbon.

HE TESTERY: We will rise for a recess at this time.

(A recess was taken.)

THE WARSHAL: The Tribunal is again in session.

DR. LUMBERT: The witness Dr. Kuehne just testified on an incident of 1938 when one of his chamists, Dr. Noack, behind his back was obliged by the Walmmacht authorities to carry out experiments on D-Lost in the laboratory at Leverkusen; and furthermore that Dr. Kuchne himself only learned of it in 1939. In this connection, Your Honors, I am submitting the documents and exhibits 54 up to and including 56. These are affidavits of the persons perticipating in the incident at the time: Dr. Meder, Dr. Faubel and Dr. Noack. I can treat all these documents together. The witnesses tell of all details of these events; in partic lar they report that Dr. Eustine at the time, in 1939, was very nacisivaly opposed to any one making such obligations on the chemists of his plant without his knowledge. Dr. Meder in particular confirms that Dr. Kushne at the time opposed any work whatsoever in the field of special armament measures. Dr. Faubal in particular mantions that at the time a definite opposition to the SD and DKW came into affect, whereby Dr. Auchne at the end unfortunately could not succeed in kesping Dr. Faubel and Dr. Noack at his plant.

In this connection I should like to ask the Tribunal to once more get hold of Document Book 1. I should like to ask you to turn to page 21. On that page you will find excerpts from the Works Managers! Conferences at Leverkusen. I refer you to paragraph 1 of that document, on page 21 of the book. This is an excerpt from the minutes of the 17th of July, 1939. I shall quote briefly: "Obligations for plant managers to maintain occrety imposed by other offices can only come about with the permission of the plant manager."

Dr. Kushna announced this order, and this excerpt confirms the incidents I just mentioned.

BY DR. LUBSERT:

I shall now turn to the next question. In Document Book 35, on page 6 of the English and page 12 of the German, Document NI- 5980, Exhibit 515, it is stated that approximately in 1935 work was

started on mitrogen lost at Leverk sen. Is that true?

A No, we are here obviously concerned with a typographical error or an error in the statement. This etter has already been clarified here. The witness Dr. Gross, in Hoerlein Document Book 2, on page 29, confirms in Document NI-6927, Hoerlein Exhibit 33, that it should read Ludwigshefen instead of Leverkusen. The order for the experiments with D-Lost, directed to Dr. Noack, which I just mentioned in my testimony, is contained on the next page of the document just mentioned by my Defense occursel. Only this order concerns Leverkusen.

To Dr. Nushne, the Prosecution has submitted a latter by you to Dr. Ambros of the and of September, 1939; that is Document NI-7425, Exhibit 640, Document Book 36, page 10 of the English and 11 of the German. In this latter you confirm to Dr. Ambros that Leverkusen agreed to the construction of a D-Lost plant. How did this letter come about?

A I already mentioned that I was not informed of the secret order issued to Dr. Nosck concerning D-Lost, and I only heard of it much later. Dr. Nosck and his associates during those experiments discovered a medification of the Losmanstrin Lost process for mustard gas, the se-called DL process. I had no reserve to reject this process when Dr. Ambros, by order of the newsy Drdnance Office, asked me for the cooperation of my gantlemen in the planning, construction and operation of such a plant. If it is stated in my latter: "Leverkusen undertakes the planning, construction and operation of this plant," that does not mean that the plant was to be constructed at Leverkusen itself and that it was to be operated there. I was besidely, ever since the First World War, an absolute opponent of chemical warfare and I did not desire Leverkusen to produce such substances.

The order which was issued without my knowledge could not have been prevented by me. Apart from the small substances produced during the experiments, no chemical warfare agents were ever produced

30 Car LE-N-NB-G-3-Schmab (Int. Remler) Tourt No. VI, Casa No. VI.

it lavarkusan. Actually, the plant, as Ambros already testified, was instructed at a different place.

In Document Book 35, in Document No. NI-8980, Exhibit 618, on page 7 of the English and 15 of the Garman text, it is mentioned that towards the end of 1938 in the plant of Uarbingon, the substance adamsite was developed and later produced. Di you know of that?

A No, only towards the end of the war when production had already been stopped I learned of that. It can easily be explained why I had no knowledge of it. I was not informed for two reasons. Dr. Haberland was in charge of the plant, which belonged to the Mieder-Shein concern and he managed it very independently. Furthermore, the order by the army Ordnance Office was kept absolutely secret too, so that I didn't receive any information about it. My colleague, for Moor already testified here that he neither heard of this order for the plant which was also kept secret from him.

to 129 of the Inglish text and 179 of the Garman text, it is stated that the Army Ordnance Office from approximately 1942 requested the construction of another plant for phosgene production. It is furthermore stated that the construction of a Johnmecht owned plant at Moosbierbaum was taken into consideration in the entire planning project. What do you know about that?

A The statement made by pr. Shmann in his affidavit is utterly confusing and incorrect. The Skeda-Plants Watzler to which the Moosbierbaum Plant belonged was bought in the year 1938. The stabilizer plant was only discussed in 1942. That is to say, it could not have been taken into consideration in the entire planning of the plant as the affiant says. Apart from that the stabilizer plant was never communicated.

Q In this connection, I would like to ask you about the

negrosium plant for Moosbierbaum. With reference to Count I of the indictment on page 44 of the Trial Brief, the prosecution states that this plant had been incorporated into the planning program of Farbon in the year of 1938. Is that true?

A No, that is not correct. The plant was only planned and discussed during the middle of the war, either at the end of 1941 or the beginning of 1942. The actual construction was only started in the year of 1943 and that has already been confirmed here by Mr. Buergin.

I Isn't there a confusion here with the new sulphuric and factory at Moosbierbaum?

"I hardly think so, but porhaps it is possible. A new sulphuric soid factory in place of the old obsolete sulphuric soid installations at bloosbi procum was already planned in the summer of 1936. Its execution, however, was then delayed and in the summer of 1943 that plan went into operation. It was exclusively planned for the coverage of the justified peace time requirements.

DR. INTERET: In order to substantiate the witness's enswers I as effecting the Exhibits 57 and 58. Document 57 is an affidavit of the witness, Mansfeld. H confirms that the stabilizer plant planned in 1942, together with the phesgene plant, was not constructed at Moosbierbaum. The Witness Schueth, in Document 58, confirms that the sulphuric soid plant, planned in 1938 and put into operation in 1943, was ased at Moosbierbaum to keep all supplies of the artificial silk and collular wool industries for Austria.

I shall now turn to the next question:

Q (By Dr. Lummert): The prosceution charges Ferben with having stock piled large amounts of raw material for the preparation of an aggressive war, inclusive of sulphuric acid.

Since to Loverkusen belonged one of the biggest sulphuric acid plants of Farbon, I should like to hear your opinion on that.

A First let me say that I don't know at all what could possibly be stock piled at Farbon. I nover heard of any stock piling intentions for the proparation of aggressive war. At Laverkusen, as well as in all Farbon, we did not stock pile any pyrite. I think that Dr. Wurster will talk about the subject at greater length, but let me just say this:

In Document NI-8843, Exhibit 749, Document Book 40, English page 65, Gurman page 117, in a latter of varmittlungs—stalla-7 to the "chrwirtschaftsamt of October, 1935, statistics of pyrite stocks are mentioned. I assume that the prosecution intends to charge that these stocks were intended for stock piling for aggressive purposes. I think that these stocks correspond to a need of three menths for Ludwigshafen, four menths for Leverkusen, two menths for the plant of permagen, and six menths for the plant vardingen, four menths for the plant of Welfen, and four menths for Documents, two menths for the plant of welfen, and four menths for Documents. These were quite normal stocks and they were normal for the following reasons:

Pyrite was imported from Spain for Farben, as well as for most of the other German factories. In view of the uncertainty of the water transportation in winter, it was common practice for decades, as for example at Laverkusen, to keep a stock for ebout four to five months at all times.

DR. IULIERT: I am now submitting Exhibit 59 and Document 59 and I should like to ask the Tribunal to turn to page 126 of document Book 2. This is an affidavit of a Farben chamist of Loverkusen, Dr. Klebert.

Ho says that the pyrite stocks of the Leverkusen plant

from 1933 until 1940 remained the same on the average and that stocks lasting for three to four months were always normal. I shall refer you to the individual figures listed in the document. He further says that pyrite was mainly imported from foreign countries, especially from Spain and that it was always necessary to keep a supply for a number of months on hand in order to be independent in case of transportation difficulties in the winter. He further states that that had always been handled in the same way.

I shall now turn to the next point:

(by Dr. Lummart) The prosecution charges Forben with having carried on economic espionage and having amployed espionage agents. Do you know anything about that?

"Ho. I know nothing about that end I nover learned of it. To the contrary I might state that not only for myself, but also for my associates, I refused to report on one of my trips abroad to an Abwahr office at Cologna, of which Mr. Jocks was the head.

DR. UNIGHT: In that connection, I shall submit Document and Exhibit No. 60, which is an affidavit of the witness Management, Plant Protection Inspector at the Farbon Works, Laverkuson. I refer to paragraph 2 of that affidavit on page 128 of the document book. The witness states, and I shall briefly quote, "I confirm that Dr. Kuchne always refused to report on his travel experiences abroad to the Security Office of Military District H.Q.VI (Focks, Kettnis) although this office repeatedly patitioned Loverkuson for reports from gentlemen who had travelled abroad." I should briefly like to contion at this point that the Defendant Mann, in his presentation of evidence, will also submit an affidavit of the said Major Focks. Focks will also confirm this matter.

- I shall now turn to my next quastion:
- Q (By Dr. Lumert) The prosecution maintains that the Verstand members of Ferben, by virtue of connections with the Party, and, in particular, as a result of the war, grow in power and enriched themselves. Is that true?

A No, that is not true. Neither I myself nor my colleagues in the Vorstend of Parban, as far as I know, have profited by the Third Reich, or by the war. It has repeatedly been stated here that Forben has vary conservative in paying his Verstand members. The Verstand members, apart from a small fixed sum which was not ever Bufficient for paying income tax, received a royalty which was in a certain proportion to the dividends. It was arranged at the end of 1,38 or at the beginning of 19% in order to correspond with the salary limitations ordered by the Government that the Vorstand royalties should be calculated on the basis of a fixed dividend, irrespective of that the actual dividends would turn out to be. That is why the Fretand could never airn mers, even when the dividend sum, ofter the increase of capital, became higher. Since contrary to the other firms, the royalti a which we received from other firms because of our positions in the aufsichterst there were deducted from our general income and so that, two, did not offer us an opertunity for an increase of incoma.

On the other hand, the taxes during these years were recentedly increased and the net income decreased considerably from 1933
to 1944 and was almost reduced to its half. There were a number of
smaller firms in Germany in which the Vorstand members were better off
than at Parben. If has would draw a comparison with American conditions, he would find — and I should only mention "Time" of the 24th
of September, 1945 — that a Director of General Motors, Ervin Wilson,
serned \$150,000 per year, added to thich there were a number of bonuses.

To income from 1935 up to 1943 was not even a third of his fixed
salary. If I deduct the income tax, for instance, income tax for
1945, I serned about a sixth of his fixed salary. In my opinion, all
of the older Vorstand members force similarly. The younger gentlemen
sarned much less. In my position as General Director I was in charge
of a group of plants of Farben, with a turn over of approximately
100,000,000 warks and in addition to that, I held about twenty

50 Mar 45-M-MB-10-2-Arminger (Int. Ramler) Court No. VI, Case No. VI.

Aufsichtsrat positions. Without wanting to belittle Mr. Wilson's activity with General Motors, I do believe that he did not have so many technical, social and administrative tasks in his work as I did and we cannot compare our jobs. The fairy-tale of the high salaries of Vorstand members of Farben, or even of war profiteering is quite erroneous.

Q Dr. Kushns, what can you say about the charge that Farban conspired with Ritler against international peace and that every Vorstand member of Farban used his own political, military, and personal positions, as well as his own personal influence, in order to commit the crims of the violation of international peace, as well as war crimes and orimes against humanity or to participate therein?

positions in aconomic life, in addition to my main position as Vorstand member of Ferben were only leading or Aufsithteest positions in companies which were affiliated with or were allows to Ferben. Lost of them were small factories producing increasing products like mineral dye styff, etc. In addition to that, I was a number of local chambers of commerce. These were representative positions in the sphere of trade and industry, but in those chambers of commerce I was only one of vary many members. In other words, in public life, I neither exercised my influence nor was I politically or memorically predominant in any way. If I could reproach myself and my colleagues with one thing, it would be the fact that we have too little concerned ourselves with politics. We as technical men, scientists, and businessmen, devoted our work power to our own enterprises. That is why there were never any political discussions during all our conferences.

It was quite different in other countries, as for instance, in Great Britain. There, leading industrialists are very active in politics and often assume high political offices. If a man of industry and economy had become a German Reich Chancellor, as, for instance, Mr. Baldwin or Chamberlain, who were men of English heavy industry who

because frime Ministers, I believe that the political development of Germany would have never anded in such a satestrophic way. The charge, now-war, that industry, and, in particular, Ferban, supported and brought into being Mitlan's aggressive policy can in my opinion only be designated as arroneous and incorrect.

The Landing political offices of the Third Reich in Barlin or alsowhere?

A No, at no time did I attend confarances with the leading political offices of the Third Reich. I vary reductantly and vary much under compulsion went to a number of Reich Economic agencies. For instance, only one single time I visited Mr. Krouch in his Office for the Pour Year Plan. I did that when I manted to obtain his cooperation in keeping my associate Dr. seier at my plant Laverkusen in spite of the attacks against him by the Wehrmacht. On the matter Meder and Noack testified, but unfortunately I was not able to succeed at the time.

Gos final question with rif arenog to Count I of the indictment. Did the Vorstand of Frrben, when Krauchwas appointed to the Beich Office for Economies Expansion, participate in any way?

A No. No. The Vorstand was not asked about that matter. When Mr. Mrauch was appointed to this office upon request of the maich agancies, the chairman of the Aufsichtsrat, Mr. Bosch, himself, gave his formal approval.

DR. LUMERT: Your Honor, I shall now turn to the questions with reference to Count II of the indictment.

Q (By Dr. Lummert) The prosecution maintains that after the forced enschluss of Austria, Farban coquired the Skode-Wetzler Flants, by using pressure, is that brus?

A Lat me say a few words with reference to the Anschluss of Austria, which allegedly was brought about by force and compulsion:

30 ker 18-18-18-10-1-Arminger (Int. Remler) Court No. VI, Case No. VI.

Austric had been a state of the old German Reich long before America had been disc world. Goethe even attended the crowning of a Hebsburger Reiser in Frankfurt on the Wain. Only after the controversy between the Napsburgs and Hohenxollerns in the year 1860 the two countries separated. When after 1918 both houses vanished a natural desire case about on the part of the Austrians and the Germans to live together in a cource German state. This desire was expressed in many meetings and elections and it was also expressed in decisions made by the German and Austrian National Assembly. The pacts of Varsailles and St. Germain, however, prohibited the union of Austria with the German Reich in spite of the so-called right of self determination by the people. Even the customs union, which in the 1920's had been agreed upon between Germany and Austria, was prevented by the Allied powers.

When Garmany, under Nitler, again obtained the right for self determination, the desire aroke in Austria to join with Garmany and it was vividly expressed on many oc casions. For instruct, on the occasion of a meeting of the Bunzen-Geselltring in the first on Equipment 1937, which I personally attended. As a present of fact, the Anschluss was jubiantly notwood in Austra by everyone conserved. Even the film which was shown by the Prosecution . Well should this exuborance at the event. By friend, the American chemist Hale, says in his book what the opinion was in Garmany and Austria and throughout the entire world. He says, and I quote on Page 215 of his book ——

IR. SECONICE Just a minute. if Process is base had a rather long discortation by the defendant concerning a number of historical matters concerning Austria with which, certainly to some extent, I must enter, if nothing else, a personal dissent. But that is beside the point. I think that we are entitled to have questions which point to something specific and then so we can have some control both by the Tribunal and at least the power of suggestion by the Prosecution as to the course of this trial.

The defendant is now proceeding to read agains from some book after having made a statement that all the world favored the developments

in Austria, which is pertainly a statement which scarcely deserves mention too, but I think the exemination has come out of control and we request Your Monors specifically that the question be asked that news for a specific austro.

DR. Lille.T: May I reply to Mr. Sprocher? I think Mr. Sprecher interrupted Mr. Jushme's last sentence in that connection. He was just going to turn to the Skeda-Wetzler Plant. The witness merely is stating his cam opinion on the question of the Arachluss of Austria and I think that it is relevant and it is his good right to talk about it.

THE IRESIDENT: The objection of the Prosecution will be overruled in view of the situation with which we are now confronted. It has been stated that the witness had practically completed his answer when the objection was made and we shall let him compete it, upon the theory that it might have some relevancy as to his state of mind or the state of mind of his co-defendants.

We think, however, that the matter of quoting from books or publications is one that might easily lend to abuse and also that we should point out that it is not the function of a defendant to argue his case but simply to state the facts as he understands them. In this situation the witness may complete his answer and counsel may ask his next question.

BY DR. LIEUTE

Q. Dr. Nuchno, you stated that your opinion was confirmed by sentence of your friend Hale on Page 215 in this book. I ask you to quote this very brief sentence.

A. May I perhaps explain this to the Tribunal? We are here confronted with the serious charge of having been guilty of plunder and epoliation. I have to defend myself against that charge and I must clearly state here what my attitude was. Since I cannot assume that I, myself, could speak on this with authority, I have permitted myself to quote a number of other people who cannot be considered to be guilty.

of being partial and that was why I thought I might quote this passage Halo states: "The absorption of Austria by Germany in March of 1938 was the natural coalition of peoples of the same tengue and customs."

- Q. Dr. Michie, would you now please continue and discuss the Skoda-Wetzlar question?
- A. I should like to state the following in that connection: These plants were not acquired by Farben by the use of pressure. I did not personally perticipate in the sales negotiations. However, I do know the proliminary history leading up to them and I can discuss them in detail.
- Q. The witness, Dr. Krueger, in his interrogation of the 29 Detaber 1917, transcript Page 2995 of the Unglish, 3014 of the German, states that issue. Tigner, Fischer and you, yourself, had received the order to associate in Vienna for the acquisition of the Skeda-Wetzler plant. You just said that you didn't participate in these sales negotiations. Do other words, Dr. Krueger's statement, if I understood his correctly, is not correct as far as your person is concerned.
- A. No. Dr. Krueger's statement in this connection is incorrect.

 To illuminate the background I should like to state the following:

 Together with my Farhen colleagues, Pister and Dueden, already in 1927

 I had visited the Moosbierbaum and Missling Plants of the Skeda-Wetzler group. This was done at the time upon the request of the general director of the Skeda-Wetzler Plant, Mr. Pollak, and also upon the request of his friend Roth, the head of the sales combine Amilinehemic of Vienna, which belonged to Farben.

On this occreton Mr. Pollak expressed his desire, which he had expressed to Schmits and repeated it, that the Skeda-Wetzler would like to merge with Farbon. After our visit at the time Farbon, however, was not interested in this small plant which could only exist because of the protection afforded it by Austrian customs. That is why we rejected the offer. In Mossbierbaum, in particular, the economic conditions were

unfavorable, as this holds true of all plants which, as Moosbierbaum, three converted from former emplosive plants to pencetime production. In the case of such plants, one usually finds huge terrains with dispersed buildings which later constitute huge expenses.

Then request of Mr. Pollak again we visited those Austrian pleats a second time in 1935. Dr. Buergin and I went there. After, between the DAG and Ferban, the idea was discussed to merge the Skeda-Wetaler Fleat with the Austrian plants of Dynamit-Webel, Pressburg, and thereby bring into being an active Austrian chandstry with a possibility for solling into the Setheast European countries. I approved of this idea which was mainly advocated by the people of the chemical sales, Mr.

Weber-Andreas and his larger Bubl. In such a marger of the said chandeal floats of Austria, I saw a possibility of a vital development, in particular a development for the Mossbierbaus plant which was located at a difficult point from the accessor point of view.

30 Merci -N-JP-12-1-Goldberg (Int. Repler) . Court VI Case VI

Q. Let no ask in this connection why Nr. Follak again and again montal to comment himself with Farbon.

A. I think that Mr. Endfliger elrendy testified here that Pollek's firm he this little field of Ametria could only live very modesty restancing very few inorganic substances and it could only exist because of the protection of the high Austrian enstons. Pollek was an excellent charical engineer and in addition he was very interested in Plastics.

En even invented one plastic substance.

Account, he was not received with understanding for his plans at
the Austrian Greditenstalt. He wanted to expend production to the other
chemical fields and that is what he told me. The Greditenstalt's attitude
is best shown in the letter which Mr. Most von Smiller, the representative
of Farben, wrote as the 13 of May 1936 to the Central Finance Department
of Farben, in Berlin. This is Higner Document 147 in Document Book
Higner Mo. 9, page 57. Mr. von Engel, the general director of the Austrian
Creditenstalt, in case of the sale of the entire packet of shares of SkedaWetzler pe Farben, was no longer interested in the further development of
the Mode-Metzler plant. I shall quote from page 59 of that document,

DR. DECERT: New I point out to you that the document book Ilgner No. 9 is before the Tribunel. The page 59, however, is the German page. Unfortunately, I could not find out what the English page was.

THE WITTESS: This is Document 107.

BY DE. LUIGGERS

Q. Yos.

A. Ilgner Document 147. On the third page of this letter in the middle of the page it is stated: "In case all the shares were to be acquired he as a financier was, of murso, no longer interested in the further development of the Skoda-Metzler Flant."

This letter clearly proves that the Creditenstelt, already before exatria's Asschluss, was prepared to give up the sajority of the Skode-Vetzler Plant. On the other hand, the letter proves that the Creditenstalt

considered these plants only from the point of view of the beaker and had no interest whatsoever in its chemical development. Ever since 1927, Follak had hoped that, in case of an acquisition of the Shoda-Wetzler Plant by Farben, the chemical tasks of his plant would be expanded and his scientific chemical ideas would then be executed. Mr. Pollak, on every occasion, told me what a great value he attached to the effiliation of his plant with Farben. From my visit of 1936 the following facts will remain forever in my percent.

At that time I invited Mr. Pollak to visit my own plant at Leverkusen, whereupon Mr. Pollak told me, "I don't think you will blame me if I, as a Jew, will no longer enter Germany. In spite of that I would welcome an annexation of Austria with Germany."

During my visit in 1936 Mr. Pollak introduced no to his friend, the bank director-president Mux of Vienne, who had the same religion as Pollak and who, as I, myself, was interested in music. He was a man who supported a mutual acquaintance of course, a cellist called Fenomenn. We spent a few nice musical hours together and as a somewhat, Mr. Mux dedicated to me a Schubert was he had recently discovered. I mention that in order to demonstrate the spirit of that meeting.

I can also refer you to a letter from myself to Wr. Polisk and one from Polisk to me, which was submitted as Higher Document 164 and 145.

Document Book Higher 9 page 46 and page 47. This letter from Polisk to me shows clearly how glad he was about my visit and how he welcomed it that I gained a favorable impression of his plant. Again and again the hope is expressed by these lines that one day his plant will be affiliated with Farben. I may perhaps quote these few lines. I am quoting from Document 145. Exhibit 155. I quote: "I was happy to hear that you did not take an unfavorable impression along with you. Beyond that I was rejoiced having been able to meet you personally."

This backgroung shows that even during the years before the Anschluss there was a close contact between us with the final ain of Skoda-Wetzler's

The Austrians of Farben. The desire for that requisition was initialed by the Austrians themselves. The negotiations of 1938, as I said, I did not attend great. These were mainly arranged by Masra, Weber-Andreas, Dr. Euhl and Dr. Erueger. After the Anachluss of Austria I went to Vienna for the first time in the Fall of 1938 when the acquisition had already been gress.

Q. For the sake of completion I should like to ask you whether you may marking about Mr. Pollak's death. The presention has submitted an affidavit of Mr. Rottenberg, Domment ML-10997, Exhibit 1068, Document Book 53, page 53 of the Saulish and page 70 of the German text, according to which Mr. Pollak died of unnatural death.

A. In 1938 I heard with great regret that Mr. Pollak died as a result of a heart attack when the Gestene came into his house in order to search it. After hearing of the affidate of Bottonberg, I tried to find out about his fate by a colleague of Mr. Pollak, Mr. Englaender. Me. as well as the witness Dr. Enckhofer, don't know of any unnatural death.

Tr. Eucline, you said that you did not attend the inciness negotiations concerning the Skods-Netzler Plant of 1938. Why were you later consulted and when and why did you participate at a later date?

A. When discussing my career I already mentioned that I was an inorganic charist. These plants of Austria were inorganic plants and it was in that, of course, that I, as an inorganic expert, would be asked for advice. In the course of 1908, since I, availf, was used elsewhere, I sent Dr. Esper of Leverkusen, one of my most experienced chanists, to inspect the Austrian plants. I, myself, then intended to take the supervision from a chanical and technical point of vice. When the new shareholding law eliminated the influence of aufsichterst members on current business affairs. I became the general-director of the Donauchemie in the Fall of 1909. Donauchemia consisted of the plants of the Skode-Wetzler Plants which were acquired in October of 1938, and of the chanical plants of the Deutsch-Matrei, A.G.

30 Mar. Lo-N:-CJ-13-1-Sampson-(Ramler)-Court & case 6

A (Continued) by activities as general director of Donauchemie was purely honorary, and I received no salary for this activity what-seever. This was morely a supervisory job, and I was not the plant leader of any of the smaller individual plants in the sens of the regulations of the Mational Labor.

4 According to what principle did you supervise Donauchemie?

a ly desire, us well as the desire of my colleagues concerned with that question, was directed from the very start to establish an independent Austrian enterprise which was to be supported by Farhon economically and which was to be reorganized and modernized by it. Boosbiorbaus during the first World War and been a large state accountion factory. The large terrain of Mecablerbe am worried me particularly. - already mentioned that on this terrain, about four hundred scret large, in addition to a few production buildings there were a number of former explorious shads which when spread all over the area. The maintenance, of Done buildings brought about a sorre expense; it was my intention to build, to buy terrain near the Denube, which was five kilometers away, and thereby achieve possibilities for cheap water transportation, and then I should be able to produce with substances which could easily be transported by way of the Usamba into the various countries of the Blkans. I actually succeeded in boying a site near the Danube, and to start constructing a port. Thewar, however, caused a failure of all those plans and actually caused much harm to Emmuchemie. Donouchemia did not produce any war essentials or vital products and whatever was produced there could just as well have been produced by the Farbon plants of the German Reich. That is why the economic losses of the first years lead to many considerations for the final stoppage of the plant, and a way out was sought after. I was, therefore very glad when I succeeded in the transfer of a power plant, the construction of which was ordered to Parbon by the Air Ministry in the Austrian territory- to Moosbierbaum of Memburg.

For that purpose I and available a part of the site which I had acquired and leasts part of the site. Another order to Farben, to construct asgnission plant in Austria, I managed to also execute at acceptance; since the old site of Brusbierbour was unsuitable for that purpose, a new site was acquired near the Danube so that the center of gravity of the plant, was shifted to the new site. That is where the new subphastic old plant was consumeted. The old plant of the former Skoda letter of sappeared autirely besides those new plants. Apart from that, it as clarge my principle to bring into being all his rockel to sections at Louisianic which we had with Farben. This set II; paned after 1936 in far as war conditions permitted it.

w Dr. Nuchan, and f ods Totaler, have any signific men for the Four lose Flan or for him ment?

a So, not in 1 - to at the Show, hatalor Works every day inorganic products that promised for the Ametrian markets, such to sulphuric toid, super phospitte, blosening agents and sulphuric mitrate. In addition to that, potate at robus and geneous syrup. Ton said inorganic productions ware carried on a very small scale. The most important was the sul hourse said production which, however, to a large extent and used for the production of super phosphoto at the plant itself. In order to give you a picture of the production, I might say the the sulphurin soid production at Moosbiorboun amounted to short 24,000 tons per year, as compared to six hundred . thousand tons oreduced by Ferben in the Reich proper. In the case of other productions, the proportion was oven more unfavorable. The entire production was, therefore, of no particular significance for the Four Lar Plan or for any restrement. When the war broke out, the super phosphate factory had to comes operation, and the closing down of ction production fields because of their insignificance or because of the trac losses incurre! was always opposed by us.

The only production where any increase occured was the field of sulphuric rold. The disting plant at Moosbierbaum was very obsolute,
and, therefore, as parly as 1936 I planned a modern construction to
substitute the old plant. When later a larger consumption came
about, as a result of the increasing industry, we continued to operate
the old plant which was obsolute.

Q In a letter from Dr. Wintersburger to Dr. Mayer Wogelin, of the 22nd of New, 1939, Decement W1-9627, Exhibit 1101, Document Book 53, page 107 of the English, page 11d of the Geronn, it is stated this is Exhibit 1101, it is stated that you authorized Mr. Musko to pay to the non-aryen imployees of Donauchemie compensation amounts of up to 60 per cont of the legal limits. Can you tell us how this case shout?

A Tes. , & principle which I executed, not only in Denauchemie was to treet non-arms apleyees as generously as possible because the treatment of non-Aryans in the Third Ruich, according to my vict, was very majust. On the 12th of Movember, 1938, a decree had born issued which eliminated all Jous from economic life. This ordinance mas one of the various neasures which was taken by the Ourman government after the murder of the German legation counsellor won Bith in Baris by a Jow with the muse of Gruenspan. This ordinance meant that throughout the entire German Wolch, inclusive of Austrian, that every Jan who was active in an economic enterprise in a leading position could be given notice within six make, and that after this period all his right were cancelled arising from the contract. The compensations which were paid by Donauchemic to its own non-Aryan cuployecs voluntarily meant a great deal for these people, as compared to the possibilities offered to them by the law. I remember that we had considerable difficulties with the Gestapo, and that special negotiations were necessary in order to pay this sixty per cent of the contractual obligations as compensation.

30 Mar. Ab-H-AJ-13-b-Sampson-Court A case 6

That the nor-Aryan employees had to be dismissed, I unfortunately could not prevent.

Die LUCELET: Your Hener, this was the last question and answer with respect to the Austrian outstion. I shall now supplement these statements by submitting a number of documents. I am referring to Document 61 up to 66, as well as 117. Document 117 you will find in a little supplemental book which I shaded over last Thursday separately. If it planse the Tribunal, I should like to discuss the montants of those documents after the norm recess.

179 MYSDAWY: Very well, it is near enough time to recess for lunch. The Trib mal will rise.

(The Tribunel adjourned matil 1330, 30 Werch 1968)

AFTERMOON SESSION

(The Tribural reconvened at 1330 hours, 30 March 1948.)
The marshal: The Tribunal is again in session.

Ha 3 RUBRE - Resumed

DIRECT EXA INATION (Continued)

Dit. LULLERT: (Attorner for the Defendent Hans Kuchne)

hir. President, the witness Kuchme discussed the question of Austria before the recess. I shall now supplement his testimony by presenting documents 61 through 60, and Document 117. Document 61 is an affidavit of the witness Platser. This document corresponds to the Gattineau Document No. 4 which will be later effored by the Defense Counsel of the defendent Gattineau. I offer a duplicate of that affidavit into evidence.

Hay I set for the contents of this affidavit briefly. It is in Document Book No. 2, on pages 130 to 135. The witness Platzer confirms in paragraph 1 of the affidavit that already long before 1938 there were close connections between the Austrian chemical firms and Farben. Under paragraph 2 the affiant says that he himself and other Jewish employees of the Austrian firms were treated with every consideration after the Austrian firms were treated with every consideration after the Austrian firms were regulations that the government had issued; that Farben treated them as considerately as possible.

I do not have to set forth paragraph 3 in dotail. This given a survey of the Austrian chamical industry and it says that those plants belonging to the Donauchemic in 1939 comprised less than 50 per cent of the entire Austrian chamical industry.

Paragraph h of the affidavit contains statements about the personnel conditions of the Donauchoria. The Phis can be seen that Dr. Kuchne bee me the general menager; time moreor general menager of the Donauchomic but that he was not a plane leaser in pre-of-the plants.

Paragraph 5 contains statements about the expansion of the Donauchemic.

Paragraph 6 sets forth that no considers were being produced in any of
the works of the Donauchemic; and, Paragraph 7 finally makes statements
about the sales organization which was called Chemikaliengemeinschaft

DOURT VI CAGE VI 30 Mar 48-15-2-A-ATH-Sempson (Mate)

Danau in Vienna.

Now, I want to offer Document 117, which will became Exhibit 117.

This is an affidavit of the chemist and former director of the impremient department of the Parbon plant in Leverkusen by the ness of Dr. Hanger.

The intress Kuchne testified that from 1938 on, he had repeatedly sent the witness Hanger to the Austrian plants.

The contents of the afficient under paragraph 1; the afficient makes, gives cortain data about the previous history of the origin of the Domandhamic A.G. Under paragraph 2 he describes how the personnel problems were overcome which existed after 1938. In that connection it is noteworthy that Parbon was at that time in ill repute with the Austrian Matienal Socialist Organization as a Jowish firm. The witness further more confirms that it was Farbon's principle when dealing with persons victimized by racial and political reasons, to proceed with the greatest considerations and generosity.

Under paragraph 3 the efficient gives a vivid description of the secondarie difficulties which resulted from the considerably magnet. Denauchemic. He says roughly that it was the aim of Parbon, by bringing financial sacrifices, to reorganize and to modernize the chemical plants of Austria, and thereby to keep them going for the future. The outbreak of the war, that is what the witness says, prevented a good development. In order to overcome the economic difficulties during the war, Ferbon chose the way out of constructing their own new plant on the Hoosbierbaum site, which they leased for this airpose from the Denauchemic A.G.

Under paragraph 4 of the affidavit, the affirst makes statements about the personnel of the plant consecuent.

Under puragraph 5 the witness finally says that Farben in its business policy toward Domanchesic carried out the very opposite of robbery and spolistion.

I now offer Documents 62 and 63 as Exhibits 62 and 63 respectively.

They refer to the death of the engineer Pollak; the death of this person was extremely regretted by Dr. Kuchme, as he said in 1938. Both witnesser say that they didn't know ampthing about an unnatural death of this man, as testified to by the witness Rottenberg.

The content and Exhibit 64, follows next. These are electron that I was of the Charles C. witter of Farban which was called Charle.

The chosen these two a compts to examine the low grafile. Lity and the commonic difficulties of the Woosbi rhawn plan was discussed.

Document and Echibit No. 55 serves the same purpose. This is an except from the mismitus of the masking of the Verstand of the Donauchemie, i.e. of the 12th of March, 19h2. It is stated expressly here that the plants of the bounderbound unterprise, represented a heavy according burden for the Pouruchemie, A.G. and that me was seeking a solution.

The next decreased in this pump is Decreased and Exhibit No. 66, an affiliability of the lithest Mesrium, a Department Chief and Supervisor of the training shows of the Farban plant, Laverbuson. Dr. Machine has testified that it had been is a few or after the association of Austria to transfer the and a cirl institutions of Farban to Austria for the Austrians to handlift by Mars institutions. It is affidevit lives an example because it are must also Terban took over the plant, Toosbierbout, the enorplary contralictions for the protected and the resions training of conventions, as a good be for due the I.O. Plant Leverbuson were installed there also has instructions of Dr. Machine.

I now turn to the problem of the Che dache Werke Amasig Falkennu. The Prosecution has set litted a letter which you, Dr. Kuehne, mrote on the 23rd of Suptember, 1938, to the particles, for licer and you Schnitzler, 1938, to the particles, for the English, and page 18 of the Terms. In this later you appears your retification about the feet that the two contletes had succeeded in a phioving an understanding with the named the monoical for Furban interests in Amasig, and about the fact that the special had already been su ested in the persons of Dr. Capler and had a possess bad already been su ested in the persons of Dr. Capler and

- A West can you say in West composition, Dr. Muchne?
- A May I ask the Tributal to purnit a first to correct a distake?
 As I was told the translation when I described the production of sulphuric acid in Hoosbierbaum, and when I said that Moosbierbaum was producing

. 100 true, it was apparently translated \$20,000 tons. That, of course, the dream recording to the ratio of 2h,000, as a great with 500,000 tons of Parban and 2h,000 in Possbierbaum.

First the question of my defense counsel I must say this: Ty
counsel has shoundy submitted document and occident No. 1, the affidavit
of my resociate Dr. The cier. The later was director nonural of the
for or Tyroin until 1936. Today he is an aperican citizen. He confirmed
that I was a close friend of his, and that because of the friendship
between we that aristed since 1924, there was a close cooperation between
Tarbon and the Enterprison of the fre or Tyroin, and that there was a great
and by of anchanges of experiences and processes.

This is also correlated by Dr. Peterson's affidavit which is Docuont and Reidbis No. 28. This friendly ecoparation was continued by the after 136, with D. wir's successor, the Caecheslovskien lawyer, Dr. Masch, who later bear to the director peneral of the Varein.

In the Aussig-Palkonen plant where were a lot of Ferban experiences which had been given by Ferban to brose people on the Mesis of a mentionen's a war and that was agreed with Dr. Main. Then, in the course of 1930, it were and are clear that the fate of this Sudaten-Coursen crea in which dermans lived would seen be decided, it was a quite natural chiration of the business policy of Parkon, to intervene for the future rather of the plant of the Aussig-Falkonen enterprise that were situated in the Sudaten land. These plants from 1857 to 1918, had been in Garman or Austrian messession, and only after 1919, when the Ezechoslovakian Republic was formed, they reverted to the possession of the Prager Versia, which was a Ogechoslovakian unterprise. It could certainly be expected that the Prager Parein interests, if the territory was incorporated into Courseny, would not be able, and would not want to maintain and hold the Aussig-Falkonen enterprises.

I myself, because of my personal relationship with the directorspeneral of the Proper-Verein, Pax Major and later Rasch, was interested in this question. The centlesen ter Moor and von Schnitzler, because of Their settivity in the dyestof's factory of Parken, had vital interests in the Sature Sature

For that reason, in the course of 1938, a condission was appointed in Farbau, which was to observe trose conditions. The Consission consisted of tar Mear, was Schultzler and ryself. On the 23rd of Saptember, 1938, I was inferred by telephone from Prenkfurt-on-the-lain, that the gentlemen, Mr. Marster and Rugler had been suggested for Neurisears, and the political events would take it appear that the incorporation of Sudenben territory was in depart.

I believe it is understand-ble that I had some joy about this, and that I expressed this joy or ratification because I could hope that our ideas us those of the plant in Aussig, would not go into Poreign hands.

O Dr. Tuelma, may I interpolate a question here? Then did General Director Easth became D. Rier's successor? Do you know when that

The ever-increasing Czech participation in the Fre er-Verein, was making reat strikes, and that he had to go. He said to be literally at the time, "I am a Carrian in Czechoslova ir, and in Gormany I am a Jaw, and therefore I have no other course but to go in the coroad", and if I remainer correctly he said that at the end of 1936.

Q I now turn to my nort quest on. In the course --

SPIECZER: May we have a stipulation them, Dr. Lumert, that the succession of Maior by Basch, Antonin Bosch, - took Mace at the end of 1936?

Dr. IN Car: I have no misgiving about agreeing to that stipulation.

Q livy I now ask you, Dr. Kashne, during the course of further nagotiations with the state authorities, with the firm won Heyden and with the Frager Versin, did you, yourself, participate?

A Other people than Farben conducted negotiations at first, but I informed, energly, about these negotiations. However, in the subcontent negotiations that oak place between Farben, von Heyden on the one
and, and the Frager Vorein on the other hand, I was present for the most
part of the time, a sin in the aspecity of expert, foreign organic
quantions. The locator of the projections for Farben was are von Schmitzler.

I br. Michne, Mid you was the impression during those negotiations for they were conducted with a casero exerted with the Prover-Verein?

In No, never. The negation was more conducted in a friendly swirit.

Fourtherly, it could be seen that the Pro er-Verein people were not pleased four the political developments, but nother from the part of Perben for an Taylon's part can I remainer that the several, political situation as explicated for exerting a mainers presente. On the contrary it was a topossion that the sentiment of the Pro or people during the negotiations were respected fory testfully by we during the negotiations, were respected fory testfully by we during the negotiations, were respected fory testfully by we during the negotiations, the purchase price was her led about, as is always the case during business transactions.

Farton and Hawden of ered negotiations based upon the indepent of Director Strubbers of the first of Hayden. Strubbers was the the connercial director of the aussing Palkanen plants under Director State and Snew the lants indetail. Fr. or, of course, a maded a unit higher sum first, but in a population, it was an indication of the friendly spirit in which the magnificant were conducted, that the inneciptally most compresse was later and screened, and with were closely approached the offer of Farban and von Earlan, which was such by the Aussichtrat members of the Verein by the name of Mr. Dveracek, and further proof of the spirit in which them amongstiations were conducted in the letter which the Tre or-Versin write i mediately after the purchase was concluded on the Criently relations with Parben would be maintained in the future.

I remain for very well that it was the spontaneous desire of the Prager people to write this letter on that very day, in order to express by this

war and that they more now concluded.

Therefore which this direction is, in my opinion, the exchange of experience which was arranged over a period of several years. Forben and the Property of the following years, worked to other. They founded the synthetic feber plant in Bratislava where Director Martinek of the Fre ex-Verein entered the Aufsichtsret in Bratislava and had the loss friendly relations there with the people from Ferben.

Finally, ir. Dy receit in this very room testified as a witness and confirmed that he had a time to feer if he had not si ned the treaty or continue at the time, and that therefore he lid not feel unfor any pressure when he was in Birlin.

- Q. Did you have the impression at the time in Berlin that the Pragor-Versin wasprepared for a long time to yield their property at . Falkenau?
- A. Yes. The Frager people expressed quite frankly during the negotiations that substitute plants for the Aussig productions in the Chechoslovakia area proper, was already under construction, for instance in Ruschau, Rus

In that connection I ment to point to the affidavit of the Casch Engineer Maryng, which is WI 11622, Exhabit 1122, Book 54, on page 158 of the Gortan, and page 76 of the English. Heryng says there that the Pragor-Verein already at the beginning of October, 1938, — that is to say me month before the negotiations between Farben and von Mayden took place, — transferred valuable stocks and machinery to the Casch interior. Furthermore, actually as found out later, that almost all blueprints had been transferred to Prague. The Prager-Verein would cortainly not have done this if it had been its intention to retain the property Aussig-Falkenou.

By the way, the Frager-Verein also negotiated with the Ruetiges Flant simultaneously, as testified to by Dvoracek, but the Aussig-Falkenau objective was a little too big for Ruetiges.

I finally want to resurk that the Prager-Verein, during negotiations with Farben, also bluffed a little then it evaluated the plant for tituming dioxides that were in Ruschau. They evaluated it too nightly and therefore later could not meet the quota; to equalize the difference, the Titan Gesellschaft, Leverkusen, during the years 1939 through 1944, had to pay more than one million marks, altogether to the Prager-Verein. This was actually one million marks paid for a bluff.

tetramine, and sulphur carboncide.

G. Jere wer products produced in Aussig and Falkenau?

The Prosecution submitted an affidavit of Mr. von Schmitzler,

Locument HI 5195, Exhibit 1056, Book 51, on page 222 of the English,

and page 03 of the German, in which Mr. von Schmitzler says that

Aussig had samefoothered typical war products such as hexametyhlene

A. That is an error, and can be understood because in. Schnitzler is a business Len. Sulphur carbon, which is a combination of sulphur and carbon dioxide, is used for the production of rayon and has nothing at all to do with a war product. Hexamethylene and tetramine, which is also not a war product, but which a used as a remedy under the name of Grotroyin, was not produced in Aussig, as far as I know.

the von Schmitzler is confused evidently with hexachlorine ethnahe, which is a constituent part for a scake screen caldle which was produced in 1950 in a particular specifized plant in Aussig.

This plant was constructed in Aussig upon the request of the OKH and was paid for by the OHK. The Aussig-Falkenau plant did not produce typical war products.

Q. In that connection I now offer Documents 67 and 68 and Document 118. The first document, 118, which is Exhibit 118, is an affidavit of the business manager Strubberg, a member of the Vorstand of the Chemical Factory von Heyden, A.C. in Dresden. I shall briefly set forth the contents of this affidavit under paragraph one, and this is in the surglement, Your Honors, on pages 309 to 312.

Under paragraph 1 the affiant makes statements about the circumstances leading up to the nequisition of the plants Aussig and
Falkenau by the Prager-Verein. Under paragraph 2 he says that during
the negotiations in Berlin about the acquisition of the plants Aussig
and Talkanau, jointly, entered upon by Farbon and the Chemical factory
ton Heydon, no pressure was exerted on the representatives of the PragerVerein.

Is says that the negotiations rather took place in an amiable spirit, and within the customery business formalities. The purchase price of 2% million marks he says furthermore corresponds to the compromise proposal of the President of the Czech National Bank, Dyoracek.

For the rost he lists a whole series of concessions that were made to must the Progor-Verein half-way.

Document and Exhibit No. 67 in Book 2, on page 186, is an affidavit of the affiant Dr. Raspe, who was a Probarist of the Titak-Gesellschaft mBH, Leverkusen. The affiant confirms that the quotas allocated for the Tital more from the Prager-Verein. The Prager-Verein could not even meet the sales quota agreed to at a later time, and received from Farben a componentery payment for the difference, amounting to more than one million Entensances for the years 1939 through 1986.

Decement 60, which is Exhibit 68, is an affidavit of the affiant Dr. Thionerson, a director and Chief of the Inornganic Department in the Forten Ment Loverkusen. The affiant was a business manager of the chemical plant Aussig-Falkenau, mbh. This firm did not produce any war material. Howsehlersthans was produced in a plant by the firm for the army warphy operating as a trustee for the Wehrmacht, namely upon the orders of the Army Armament Office.

IR. SECRETARY No. President, Dr. Lamort referred to a document which the Prosecution did put in evidence, but which we later withdrew. That was Exhibit 1122, WI 11622, which is the affidavit of Joseph Hayng. We withdrew that in order to avoid a certain amount of repetition and some problems in calling afficient here for cross-examination. We have no objection to its re-introduction as a Defense document, of nourse, but I just want to point out that it is not before the Tribunal.

THE MESCHET: The exhibit would not be a proper subject of inquiry here unless Dr. Lumert, you desire to offer it in evidence. If you do, you may make it your can exhibit and offer it in evidence.

DR. LU . MIT: May I say this in that connection. Not I, but Dr.

Duckno, montiomed this affidavit in his testimony. I do not think it is necessary for me to effor this document as an exhibit for myself.

Dr. Kuchne's statements about it are sufficient.

TR. SARCHER: Well it does not quite most our problem, it seems to us at the moment.

THE ALEXANT: Has the Prosecution moved to strike from the testimony of the mitness the reference to its identified document 1122?

IR. SITTONIA: I feel obliged to do that, ir. Prosident.

THE LEMMIN: Then the motion is sentained, and that part of the evidence of the defendant is stricken because the decument to which he refers is not before the Tribunal.

The LUCIDER: I have just offered Documents 67 and 78, and I how sak the Pribunal to be kind enough to take up once more Document Book I, where I ask you to look at the affidevit of Dr. Nex Mayor, which is Document No. I. On last Thursday, I offered Documents 1 through 4 on a for identification. The Tribunal will remember perhaps that this was done in consection with the Voice of America that I mentioned. Document 1, however, is in the proper form of an affidavit, and I now offer it as a competent exhibit.

IR. SECONDER AND Prosident, it somes to us that the affidavit of Dr. The layer, who was no longer present in Gaecheslovakia after the end of 1936, is quite remate to the real issues here. However, we will not note any objection except to call that to your attention with respect to the enight that should be given to this matter. But we will fuel chilged during cross examination to introduce the affidavit of layer's successor, Antopin Basch, concerning the same general subject matter.

The Problems: Very well, Mayor, confirms in this affidavit
the friendly support that lasted many years which he was given by Dr.
Nachan in many fields, and particularly when rival interests were at
state. He quotes many examples for their close collaboration at the
time. I ask Your Henors furthermore to look at Document 28 once more
in book I. This is on Page 62 of Volume I. The affiant Poterson makes
statements about the close cooperation between Farbon and the Prager
Verein and about the personal friendship between Br. Kuchne and the
two successive directors general of the Prager Verein, the affiant
lar. Mayor and Dr. Basch. This is the contempts of paragraph 1 of this
affidivit. May I particularly direct year attention to one passage
on Page 63 at the top. There the affiant Poterson says, I quote,
"Marr Dr. Kuchne and I not Herr Dr. Mayor frequently later on, as Herr
Dr. Mayor represented the Prager Verein in the (activated charcocal
comp.) AKTAY Kohle Gosellechaft until 1938. Agreeable business relations

developed also with Director General Dr. Basch resulting in mutual visits in the private homes of the gentlemen concerned. This cooperation lasted without change until the orthocal of the war. A little before this passage, Dr. Peterson says, "In 1936, Dr. Mayor had to relinquish his position as Director General." Then the date is correct. Actually, as is furthermore evidenced from the affidavit, Dr. Mayor represented the interests of the Prager Verein until 1938. This concludes the questions and the presentation of evidence about the subject matter Aussig-Falkonau.

BY DR. LUIDERT:

- Q. In next question now will be the following. During any other acquisitions of Ferbon abroad during the years 1939 and following, did you perticipate personally?
- A. No, those negotiations were conducted by the people who were competent for each question.
 - Q. I'my I ask you, did you learn about them?
- A. I was cortainly informed about them, for the people competent and responsible for this particular field reported about their personal decisions of their commissions to the Verstand during regular reports.
 - Q. Did the Verstand vote on such reports or suggestions?
- A. I can't remember any vote. I already talked about far-reaching decentralization in the Farben Verstand. We had complete trust in our individual experts. We know that they would get advice from experts, commissions and their legal advisors, who were given to each one of us. Thus it was not customary to check on the decisions in the Verstand of the competent experts.
- Q. Did you consider any of the acquisitions of Farbon of which yu you had heard, as "plunder" or "spoilation?"
- A. No, never, and not today either. As far as I know, Farben acquired all objects by way of proper and regular business negotiations and paid for them properly and fairly.

- Q. Mr. President, I now turn to the questions under Count III of the Indictment. My first question, Dr. Muchne: the presecution charges you with your having employed foreign workers in Leverkusen and quotes a few passages from the minutes of the meetings of the technical directorate in Document Book 70. That was your general attitude about the question of employment of foreign laborers?
- A. Since the Farbon plant Loverhages was directed according to the production plans prescribed by the military sconomic agencies, and since it had to keep operating with almost all its plants during the war, it was the first task of the plant leader to make the attempt after the war broke out to get replacement for those German workers that were ismediately drafted for war. If he had not done that, the plant leader would have made himself liable to punishment for not mosting the prescribed production quotas, as has been repeatedly proved by the defense in the course of this trial. It was a matter of course that we tried, first of all, to get Gorman workers, for the fereign workers were more expensive than the German workers because we had to care for them and house them. But more than that, the different languages that they spoke made operations much more difficult in the plant. But apart from those aspects, the employment of foreign workers during times when secreity of menpower in Geranny existed, was nothing new in Germany. In the providence Saxony alone, which is my home, there came every year about 600,000 Poles for helping with the crops; and in the Ruhr and Rhine areas there were in the mines next to the Poles, Bolgians in zinc minos and glass factorics; and there were Dutch people working in agriculture. In my home district in the central German estates and beat sugar plants, there were so-called Polish barracks which housed the Poles who came in the summer and which stood empty during the winter. In the Ruhr area, there were even Polish newspapers for the Polish Workers. Therefore, I was not pleased, but I wasn't surprised either, when the labor offices with whom we had to register

or requirements of workers, for the first time in 1940 assigned Polish orbors to us. Unfortunately, the Folish workers assigned to us for the most wort, were not suitable for our plants. We were simply resigned all those people that had registered at the recruiting Temples in the cost. But since work in chemical industry requires loss physical sirengt, but a certain intolligence and mental aptirund, we had so dismiss a number of the workers assigned to us ofter to had investigated them. Therefor, we decided, in agreement with the labor office, to recruit people ourselves on the spot abroad and to sulact them right there. In order to give the workers a proper plature of work in our plants, we gave the recruiting people films and samplets there or plants. . Busides these recruitings, we also unde arrange buts and contracts with Belglens and French contractors ab ut so-called leaned workers. We were quite clear in that connection about the economic burden which the foreign workers mucht to us, for as I have already said, they enused extrementy higher costs than E-ruon working.

Q. Now I affer Exhibit and Document No. 69. This is an affidavit of the affiant Lemman, a director of recruiting of the Farbon Lever-leason plant. This is in Book II on Page 150. Under Paragraphs 1 and 2 of this affidavit, the afficunt makes statusents about the unobjectionable matter in which the Parbon plant Leverkusen had recruited Polish volunteer merhors from 1941 on. It is very significant how unobjectionable those recruiting methods were, and for that reason I must be ask the Tribunal to be kind enough to look at Page 150 and 151 and to read them briefly. Then it will not be necessary for me to read details for the record. The essential point in that connection is that in no way was there any pressure americal upon those recruited workers, but rather that until their departure for Germany it was left up to their our free decision whether or not they were going to accept work in Germany. Under paragraph 3 of the affidavit, the affinnt unless

30 Lirch-A-15-18-5-Co, lord (Katz) Court 6, Caro 6

state unts about the good treatment of the foreign workers, especially about the cultural care they were given. I shall deal with that later.

I now sak Your Hemors to be kind amongh to look once more at Document 50, which is on Page 108 of the same document Book No. 2. In this amorph, I am only concerned with Perr raph 5; that is on pole 110 in the middle. Here are detailed statements made about how such more expensive the employment of forcing northers with the a playment of Cornan morburs. I note briefly the followin suntence: "A pursonnel department list shows that the everall expenses for the Cornan morburs are 34.67, To which is equal to 17.21 per cent of their pay. For the foreign workers, the amount is 52.13 teichs works, equal to 28.39 per cent of their pay." This very lar e difference results particularly because of the fact that the foreign workers were cared for in every possible respect, and particularly in regard to their housing, their food and cultural care. I shall later present evidence about this care that was shown to them.

I now of or Document 70 which is Edubit 70. This is an affidavit of the charist and director in the Parken plant Loverkuson, Dr. "arnecke. The affiant describes the so-called "Red Slip Procedure." In order to explain this, I want to state the following briefly. In I Document 5765, Edibit 1371, Book 70, Fz a 25 of the Envish and Fa a 51 of the Comman, it is stated in the FZZ record of the 14 of Saytember 1943 that the red slip procedure failed and that for that remained to receive workers we to meet it work as in two particular departments of France. The prosecution, or page 3298 of the Envish red slip procedure provided for a particular priority in the allocation of workers, but the Ferben plant Loverkusen apparently didn't not any workers under this procedure because it mesn't important enough for were. In this document, Suchne No. 17, the red slip procedure is explained by the efficient, Dr. Vernecke, for the information of Your Honors.

May I now ask you, Dr. Kuehne, do you remember this red slip procedure

A I can't remarker this in detail any more. If I remember correctly, it was intitated towards the middle of 1963, and I went into retirement at

the end of July 1963 when I left Loverhusen to live in Lindau. But I know that the red slip procedure was instituted for very important plants, and Loverhusen was important for mer and important for life, but it didn't owns under the red slip procedure. Howertheless, the plant had to procure workers and therefore is was tried a ain and a ain, and as it is stated here by ir. Marnecke, it was tried to ceruit voluntary workers. That was probably continued in the same namer under y successor, Dr. Haberland.

Q Did you or Torben at any time emert; assure for the recruitment of foreign workers? Did you exert this measure or did you desire that it be exerted?

A Mo, noither I nor, as far as I kew, any of my collectues over desired that any pressure be exerted when workers were recruited, nor lid they cause any pressure to be exerted.

The prosecution says in its trial brief in Pert III, on Page 26, with reference to the The record of h of Thy 1963, NI-5765, Exhibit 1371, Document Brok 70, Page 2h of the Tin lish, Page 49 of the Arman, that there the necessity was emphasized of exploiting the work of the eastern workers properly. Ant do you have to say about that?

A The record shows quite charry that the expression of the procedtion and the interpretation of the word replaintation is incorrect. In
the record, it says, and I quote, "The accusatty of a proper allocation
of the autorn workers is referred to who are to be exployed only in
plants." The meaning of this indication we that the eastern workers were
only to be used for those purposes for which they had been requested;
that is, work in the plants. It is incorrect for anybody to conclude
from this record that the eastern workers were to be exploited particularly.
All foreign workers didn't work more or lon or than the German workers.
The average subjut was even less; namely, only two-thirds of the
working output of the Cerman workers, because the foreign workers
onweally were unskilled and had to be trained for our purposes in the

30 Farch 1968-A- SD-19-3-Saylord (Kntz) Court VI, Case VI

che mical plants for a long time. The principle of equal treatment of foreign workers as compared to the Comman workers was layed down in a large marker of directives issued by the Corvan authorities. A cortain discrimination was only to be felt in the case of the Polish and eastern workers in their pay, but I shall deal with that later.

30 Mar, LG-a-GJ-2G-1-Leonard-(Katz)-Court & case 6

Q "Ay I ask you, how was the treatment of foreign workers, generally?

A The treatment of the foreing workers was, in the plant and in the cusp for the foreing workers, very good. For the camps, the German Labor Front made available camp leaders whom the entrepreneurs of the enterprise had to accept ... When I at one time learned that such a cumy leader and allegedly beaten a foreigner in the camp, I was able to have him dismissed after a hard struggle with the Labor Front. however, on top of that, I had appointed a supreme camp leader from sweng the personnel of Farben by the name of Herr Hollweg, who was living in my own house, in order to be able to learn from him at cmy time how the camps looked, after I returned from one of my many trips for instance. Basides, that I saw to it that weakly inspections were held by the plant leaders of the individual departments of the plants. These people were conducted around the esmps. So that the plant leaders, independetly of the plant management could convince themselves of the conditions of housing and feeding of the foreign surkers. In order that they might be able to talk to them and ask them for their requests, there were interpreters, but since I didn't puite trust the interpretors I also used chemists and engineers of the plants who knew the languages as well. For the rest, I always emphasized to my staff at every opportunity, that I wanted to have the foreign workers treated and fed in such a manner that they would make propagands for Cermony whom they returned to their homes. I expressed this during the quaterly se-called plant loader's meetings where approximately two hundreds chiefs of the individual factories of the Laverkusen plant got together under my chairmenship. In order to protect the foreign owrkers against accidents in the newly established plants, I introduced the so-called guardianship system for the foreigners which was also in force for new arrivals in the Loverkusen plant generally.

30 Mar. & S-A-GJ-20-2-Leonard-Court o cuse 6

That is to say, every foreigner received, as far as possible a Conwar who was assigned to him, who had to train and had to protect him, and care for him until he himself, the foreigners, had sufficient experience. Therefore, we had remarkably few accidents in our plant.

In supplementation I now offer Document 71 through 7h as Exhibits 71 through 7h respectively. Document 71 is an affidavit of the chanist Dr. Dobmaier from the Lewekusen plant of Farben. That's on page 15b of the document book. He confirms that Dr. Auchne held the opinion of having the foreign workers treated well and for the principal of putting them on an equal footing with the German workers. The affiant says that Dr. Auchne's point of view was that "who could work for us must get the same treatment as all members of the plant." The witness quotes certain details and I direct your Monor's attention to the foot of page 155 and the top of page 155.

Decument 72 is an affidavit of the affight Stoeckl, a shop foreman in the Fharms Works of the Leverkusen plant, he says that every foreing worker in the Leverkusen plant just as every new German worker was given a personal gurdian who looked after him in every respect, in regard to his training, in regard to making available clothing and totls, in recard to helping him everorse any difficulties, etc. He confirms that again here there was no difference made between the German and Foreign workers.

Document 73 is an affidavit of the affiant Koch. He says that Dr. Kuchne personally was extremely interested in the welfare of the foreign ownkers and that he hired Mr. dollweg, whom Dr. Kuchne has already mentioned, as an observer of the comps who was to work independently from the Party agencies in the interest of the foreign workers. The witness furthermore confirms that Dr. Kuchne took Mr. Hollweg into his own home so that he, Kuchne, might be at any time informed by Mr. Hollweg, especially when he came back from trips.

Finally, I offer Document 74, an affidavit of the affiant Teschkninics, page 51 of the document book. The affiant makes statements about the good treatment of the foreign workers in the Farbun plant at Leverkusen. I merely refer to this document. I don't think I have to read from it for the record.

I now turn to my next question.

The Prosecution has submitted a report, NI 7110, Exhibit 1376,
Document Book 7J on page 63 of the English and page 120 of the
German. They are the minutes of a meeting of the Food Committee of the
Geboojen of the Ltm of June 19h3. In these minutes, on page 64
of the English or 122 of the German, it is stated that the plant
at Bruex inferms all parties concurred that French prisoners of war
might be besten in cases of violation of discipline. You were
given these minutes of the meeting for your information. What
did this mean?

A If this report was given to me for my particular information than it was not done so because of this — inexplicable passage — I must admit frankly — but because at the end of this minutes it is stated: "It is decided that if Director Dr. Kuehne of Leverbusen will give his permission, the next poeting of the Food Committee will take place in Leverbusen." That is to say, I was to give my approval or purmission for this request. Furthermore, I hadn't the least to do with this Food Committee. The plant in Bruex was anyhow not a Fartern plant, and I, in Leverbusen, would never have tolerated a mistreatment of any worker whether in was a German or foreign.

4 May I ask you now, were the dereign workers housed?

A We housed the foreign workers just as well as we housed German workers. That is to say, we built barracks, socialled standard type barracks, about which several statements have been made in the course of this trial. These barracks were constructed extremely well. For instance, they had twofold insulation against heat and cold.

30 Mir.li-A-03-20-L-Loonard-Court 6 cers 6

Besides this druble insulation for the sleeping rooms, they had similarly equipped diming and day rooms. Furthermore, there were dispenseries and sick wards. The rooms were heated with a team heat and the barracks were surrounded, for the most part, by lawns. I myself supervised, as far as my time permitted, the construction and the extension of the barracks and I suggested many improvements personally. From many passages of the minutes of the Directorate meetings and plant leader's conference it can be seen that I myself, as wellow my collaborators, always concerned curselves about the welfare of the foreign workers particularly and that we conferred about this melfare.

Q To supplement this testimony about housing of the foreign workers I now offer Document 75 through 77.

I'r. President, may I ask you whether I should discuss the contents of these documents after the recess connectedly?

Tid. HTESILENT: We will take our recess now,

(A Pacese was taken.)

THE ARSHAL: The Tribunal is again in session.

DR. LULLERT: Your Honors, the witness, Kuchne, was just speaking about the housing of foreign workers. In this connection I should like to submit documents and exhibits 75 to and including 77. Document 75 is an affidavit of the witness Pinke, who is a senior engineer of the Farben plant Loverkusen, and also an affidavit of the architect Dr. Kuns, the head of the construction office of the plant Loverkusen. These two witnesses testify and confirm that both of the large work camps of the plant Loverkusen erected in 1941 to 1943 were well equipped from a structural point of view from sanitary and other respects, and that Dr. Kunz personally constantly concerned himself about the planning and the execution of these barracks.

Leverkusen plant. This witness gives us a lengthy report on the fact that the comps Eigenhois and Buschweg in Leverkusen were so excellently equipped with regard to the living rooms, kitchens, senitery installations, and hospital berracks that the American and British military authorities, since May 1945, have praised the camps without any reservations and have considered them as the most suitable D.P. camps. He even described them as in every way suitable as troop camps. I don't think I need enumerate here the details contained in that affidavit, but I should like to ask the Tribunal to turn to page 165 to 167 in Book II and peruse them briefly. It is interesting because these are judgements as a result of inspections by the just mentioned military authorities. The result was again and again that the camps were considered as being excellent and beyond reproach in every respect.

THE FRESIDENT: Dr. Lummert, may I say to you that according to our calculations you have about two and one-half hours left for your presentation. You have, I may say, a very well prepared and thorough index of your document book. You are at liberty to use all of your time, but I can say to you for the Tribunal that in view of the fine way you have made up your index you will be perfectly safe if you abbreviate semewhat your presentation of documents, if you find it necessary to do so to keep

within your time.

DR. LUMBERT: Thenk you very much, your Honor. I should only like to refer to the last sentence of Document 77. The witness Einsler, director of the Leverkusen plant and head of the engineering department says, and I quote: "Our dealling camps finally reached a state which was recognized as exemplary."

I shall now turn to the next question. The prosecution, in their index to Book 70, Document NI 5765, Exhibit 1371 under number 15, and I quote, say: "Those barracks are to be deloused." That intends to indicate that the barracks for foreign workers had to be deloused before being habitable for German families. May I ask you whother that is correct.

A. I am very glad to give my opinion on that matter, although these are minutes dated after the time I resigned from office - that is to sny November 1944. However I went no blemish to rost upon my firm. It says in the German minutes that the barracks would have to be deconteminated -- that is not deloused. According to my convictions the translation should read not deloused, but disinfected or decontaminated. It is customary every where that camps housing a let of people are being disinfected and especially if they are being used for newcomers. That does not mean to say that there was no vermin there at all. As a matter of fact we had quite a great deal of work with respect to the delousing of Eastern workers. The Russians considered lice as a protection against illness. They confused cause and effect because sick people lese their lice as a result of increased temperature. They thought, therefore, that whoever had lice would of necessity remain healthy. It was a known fact to us that the Russians, in the delousing process, managed to hide a few lice which they placed upon their bodies thereafter.

- In Document NI 8979, Exhibit 1384, Document Book 70, page 63 of the English and 151 of the German text, the Prosecution has submitted whree letters of the 5th, 5th and 7th of January 1943 in which three of your associates, Dr. Kuchte, write to you about certain deficiencies about the cause and they say they fear durages to health arising therefrom. That can you say also t that?
- to the upon my own instigution and these exaggerated phrases were used upon my request. At that time it was extremely difficult for us to obtain the necessary naterial for the barracks from the responsible distributing agencies. By engineers had to take these letters to the competent officers for the distribution of materials and thereby they could not easily get the necessary material, that is shy I asked these gentlemen to write me these letters. I believe that the dates on these three letters show they were written shoot at the same time that this was done purely on purpose. These mentlemen had an opportunity to speak to us verbally at any expent, and they had any complaints, or any requests. It was not at all customary, of course, that these subordinated people would write me letters.
- Q. In that respect, your Monors, I should like you to refer once more to Document 77. I should like you to refer to page 169 of Document Book 2. Mould the Tribunal please read the few lines on the middle of page 169. The witness, Dr. Einsler, confirms that generally such exaggerated reports were necessary in order to obtain sufficient material from the authorities. I shall now subtit documents 78 up to 80 as Exhibits 76, 79, and 80. These are three affidavits of the witnesses, Dr. Popp, Dr. Wolff, and Leurer. These witnesses are the authors of the three letters just mentioned dated 5th, oth and 7th of January 1943. Each one of these witnesses confirms, on behalf of his own letter, that those latters were requested from them and that they were written in agreement with the management of the Farben plant in this exaggerated form in order to more easily obtain material from the German authorities. Dr. Kucime,

would you now be good enough to give us your position on the letter of 21 June 1944. This is Document HI 7100, Exhibit 1391, Document Book 70, cage 118 of the English, and 168 of the German text. There again a similar complaint was raised in equally strong terms.

- A. This incident took place after my time and I don't recall it, but I do assume that this is a similar matter which was done on purpose. Although something can go wrong in any plant.
- Q. In that connection, your Monors, I shall submit Document and Exhibit 81 which is an affidavit of the witness Leurer. The miness confirms that the letter of 21 June 1944 was a deliberate exaggeration in order to get material from the authorities. By next question: How was nourishment of foreign workers?
- A. Nourishment for foreign workers was prescribed exactly by the authorities and partly was in some instances even better than the nourishment for the then German normal consumers. In every case nourishcont was good and sufficient. By kitchen administration at Leverkusen regularly bought additional food stuffs so that the official rations of . calories were always surpassed. In Germany today it is somewhat miraculous that still in the year of 1944, and I should like to ask the Tribunal to look at the chart on page 185, that the Polish ordinary worker received 2,833 calories and the Polish heavy workers received 4,042 calories. The chart is on page 185. The food was checked daily upon my instigation by a commission. The result was noted down in a book which I had submitted to me personally. I occasionally tasted the food myself in order to convince myself of its quality. Upon my instigation a weighing scale was established so that the foreign workers could themselves weigh the foodstuffs they received. The nourishment was so abundant that foreign workers, mainly the Poles, often sold their bread in Cologne on the black cerket.
- Q. With respect to the nourishment of foreign workers at Loverhusen I shall now submit documents 82 up to 87 as Exhibits 82 to 87. I shall briefly explain the contents of these documents. Document 82 is an

affidavit of the witness Kahr. From the beginning of 1942 he was the Camp Leader of the barracks in Cologne where Western workers were housed. In addition he was entrusted with the distribution of food. At the end of 1942 he was transferred into the camp of Buschweg and in February 1943 into the Carp of Eigenheim. He distributed the cold foodstuffs and sold canteen supplies. As a result of his activity in these various camps mentioned, the mitness managed to gain a complete conception of how the distribution of food was handled. He confirms that there was a very strict check of the food distributed and that every foreign worker received the rations to which he was entitled. Document 83 is an affidavit of the witness Walter. That is on page 178 of the document book. This witness, since August 1942, was a food supply inspector at the Farben plant, Leverkusen. He gives us some details about the manner in which such control was exercised. He confirms that control was carried out conscientiously in every way. Document 84 is an affidavit of the witness Gollkofer. This witness gives us the extensive turn-over figures from 42 to 44 in the branch camp of the Farben plant Leverkusen. He mentions in particular sloes and textile goods. These sales figures show that foreign workers were very well supplied. The next document 65, is an affidavit of the witness Belz, the director of the Do artment of Statistics of Leverkusen plant. Ho confirms the correctness of the charts I submitted, that is, page 183 up to page 195 of the document book, on the basis of which the statistics I mentioned with respect to Leverkusen were drawn up in the economics department. These statistics are in the German language. In order to facilitate the task for the Tribunal I permitted myself to add a little glossary on page 182, and 182a of the document book which explains all those words contained in these statistics.

I think that the list can easily be understood. Page 183 gives us a general survey of the food of foreign workers at Leverkusen from 1942 up to 1944. For all individual groups of foreign workers—that is, for "estern morkers, Polos, Italians, Italian military internees, Frenchmen, Russians, etc—the individual calory rations are listed.

On page 183 we find at the upper right-hand corner a remark with respect to the calory rations of the German civilian population in the same territory, that is, Northern Rhine-Yestphalia, in the years 1946 to 1947.

I should like to draw the attention of the Tribunal to the fact that these calory rations of the German civilian populations are very small compared with the food distributed to foreign workers at the time. In this connection it must be mentioned that these German calory rations were not fully distributed at all.

Let me refer to the fact that my colleague, Dr. Hellmuth Dix on behalf of the defendant Schneider, has submitted evidence in that connection, that is, that these small calory rations actually were not not.

On page 183 there are the calories stated for the main groups, for the normal consumer, for the long and night workers, for the heavy workers, and for those workers doing the heaviest work. The following statistics, from page 184 to page 195, contain individual items referring to all groups of foreign workers— Western workers, Poles, etc. In addition, starting from page 191 the number of weekly menus are listed. From these charts the Tribunal will see that foreign workers had a very varied and very good nourisiment.

The next document, No. 86, is an affidavit of the witness Peters, the menager of the Plant Kitchen of the Leverkusen plant. The afficient confirms a very remarkable feet to which I want to refer you particularly the says that during the war every possible opportunity was used in order to provide additional foodstuffs in excess of the official rations for the staff of morkers and employees of the Farbon plant of Leverkusen.

As a matter of fact, the foreigners not only received the calory rations

which are indicated by the charts on page 183 to page 195, but, beyond that, they received additional foodstuffs which were additionally bought by the plant. The affient confirms that these additional foodstuffs were distributed in the same way to Germans and foreigners alike.

Finally, Document E7 is the affidavit of Alfred Poters, and it shows that the children of foreign workers living at Loverkusen during the war were particularly well-mourished and supplied. I should like to refer you to the details of these affidavits.

BY DR. LULLERT (Counsel for defendant Kuchne)

- Q. My next question; Dr. Kuchno, you mentioned the system of the so-called sponsors before. You said that that was a means which served the provention of accidents. That else was done in order to provent accidents?
- A. Primarily a very careful instruction of foreign workers was carried out. That was done in their own language by way of pamphlets, notices, warning signs, film presentations, and publications in all the various places at the plant.

DR. LUMBERT: In this connection I should like to submit Document and Exhibit 88. This is an affidavit of the witness Sieberth, who was an electrician and statistician for accidents in the Farben plant at Leverhousen. The affiant testifies in detail as to the all-couprising procedutionary measures for foreign workers of Leverhousen taken during the war in order to prevent accidents. The affiant, in substantiation of his affidavit, has appended forty-six annexes. I should like to submit these attachments to the Tribunal. It was impossible for me, for technical reasons, to have all this material copied into the document books. But I think it will be of interest to the Tribunal to take brief notice of the material. Frimarily, these are instruction pamphlets drafted in all languages in question, such as Polish, Russian, Ukranian, French, Czoch, Italian, Creatian, Flormish, Dutch, etc. Furthermore, there are posters and other instructional material.

Lot me add something, Your Honor. I shall very well manage with the

time allotted to me, and tomorrow morning I shall ask the Tribunal to keep in reserve approximately one hour of the ten hours which have been allotted to me for a brief presentation of evidence at a later time. I shall submit an application to that effect to the Tribunal at a later date. It therefore really didn't matter if I devote myself at some greater length to the presentation of the documents now.

Let me continue... From a cultural point of view, was anything done for the foreign workers, particularly to use up their spare time?

TINESS: Yes, naturally. The cultural care for foreign workers was so extensive that it is hardly possible for me to enumerate all those individual measures which were taken. On principle here, too, the forcign workers were treeted the same as Germans. In many ways there were special institutions made for their benefit alone; so, for instance, special sports installations were established, special swimming pools word constructed, sport equipment was purchased, music instruments were acquired. For the Russians, for instance, an entire Balalaika orchostra was bought. We had cinema and variety shows. We used foreign artists as well as indigenous personnel from the camp. Foreign books and newspapers in the most varied languages were available, and it was cludys possible for them to attend church services. Wemen received Farbon clothing material From rayon and woolen remnants. They received all the necessary material to mend their clothing. A special sewing room was set up for that purpose. Colored paper enabled the various paper cutting works which was popular among the Eastern workers.

When families later arrived, they were eared for and placed together in separate rooms. For newly been children a nursery was established. For older children kindergartens were established which were cared for by indigenous and foreign nurses. A special hospital for foreigners was opened, and that was done within the framework of the Polyelinic which the Leverkusen plant had for some time. In addition to that, a dentist's surgery was opened which was well equipped.

In short, everything was done in that respect that was at all possible,

and this institutions of the Farbon Leverkusan plant were widely known as being examplary.

BY DR. LUCCERT:

In order to supplement your statement as to the cultural earch for foreign workers, I shall swint documents and exhibits 69 to 96 as a statement by the Paster Kouegor of the St. Jesoph's Church at Leverkusen. The mitness in that affidavit supplies details to the effect that the management of Leverkusen plants promoted and supported the spiritual care of the foreign workers and Leverkusen.

That was particularly true of the French Chaplain Padre Doyon,
who was active in that respect and who was a foreign worker was sent
to Germany, together with many other Pronchasen. This is the first do-

The next document, No. 90, is a similar text of the priest of the Church of the Sacred Heart of Leverkusen, with the name of Klinkenberg. The witness confirms that the management of the Leverkuseh Plant made available a special barracks for him to hold diving services for the Polish workers.

Document 91 is an affidavit of From Lacufor. This witness took
the French Padre, I mentioned Doyen into her home. This was done with
Furben's permission although this was contrary to the official reguletions.

The part document is 92. It is an of idavit of the printer called Joh active at the Leverkussen Plant. This witness gives details of the cure taken of the foreign workers at the Leverkusen Plant in the field of sports. He states that the management of the Farben Leverkusen Plant treated foreign workers like Germans in matters concerning sports. I refer to the document concerning further details with reference to the sports competitions etc.

The next document is 93, Exhibit 93. That is a very detailed affidevit of the Witness Gottberg, the social welfard expert of the Farben Plant at Lowerkusen. She testifies about her social work for the benefit of Foreign male and female workers during the war.

In paragraph 1 of the affidavit, the affiant confirms that the special interests of women were particularly taken into consideration.

With reference to 2 and 3, the affiant describes the very officient and versatils equipment of the camp "Z block and Buschweg".

Paragraph & contains statements as to the cleaning of the comps and its samitary installations. contained about the cultural care for the camps through church services, cinema, variety shows, language and lecture courses, periodicals banks, musical instruments, orbarets, concerts sewing courses, clothing and shoes. There are an abundance of statements which describe the exemplary manner in which foreign workers were cared for.

Fragraph 5 of the affidavit contains details of the special care bustowed upon infants and children.

Personal and it gives the reasons for the deaths of a few children, couring in Newseber 1963.

The next decurant is Document 9h. That is an affidavit of the affiant bery, who was the librarian of the Laverkusen Plant. This affiant earld for the foreigners from a literary point of view.

Paragraph 1 of the affidavit gives details of the work done in the libraries. "t shows how foreign books and periodicals were distributed to the foreign workers.

Paragraph 2 concerns itself with the variety of language courses set up free of charge for the benefit of the foreign workers.

Paragraph 3 has 23 original inclosures which constitute examples for her statements under 1 and 2. Those inclosures contain lists of the books available at the lending libraries. Furthermore, there is some text back material for the language courses and beyond that there are lists of participants in these language courses. These compilations show that the language courses were regularly attended, In order not to burden the document book, these 23 inclosures were naturally not copied. However, I hope that the Tribunal will take notice of these original inclosures.

The next exhibit and document is 95 and it is an affidavit of the affiant Dr. Bolff, the Chief Physician of the Works Polyclinic of the Parbon Leverkusen Plant. 30 Mar. Mo-A-6J-25-3-arminger-Court 6 case 6

This affiant describes in great detail the medical and sanitary care for those foreign workers at the (everkusen Plant during the war.

With reference to Paragraph 1, the affiant states that the foreign workers on principle were treated in the same way as Gonzen workers. A special physician, Dr. Fodar, devoted himself exclusively to foreign workers. Furthermore, a special but Patients Department was set up for foreigners at the Polyclinic.

With reference to Paragraph 2, he states that dental care was provided by a special dental station set up for the foreign workers.

Ly mext document, 96 will deal with that also.

Paragraph 3 shows that in 1942, when the number of foreign workers increased, a special auxiliary hospital was created for foreign workers, in the beginning providing 56 and later 150 beds and that all the necessary legarizants were installed in that hospital. The suxiliary hospital was averywhere considered as being a model hospital.

Paragraph 4 shows that the babies and infants of the female foreigners were cared for in a special children's nursery.

Faragraph 5 montions that the polyclinic of the Farben Loverkusen Flant was very reluctant and negative in its attitude toward interruptions of programey. Such interruptions of programy, or, abortions were only carried out on Russian female workers when they thumselves asked for it. This was done by a Russian gyneacologist, Dr. Kiteizev. The polyclinic was made available for those cases upon order of the authorities.

Paragraph o states that the persented of the foreigners' department of the polyclinic was increased with the demand.

Paragraph 7 reports of the difficulties caused by the sudden arrival of the larger transports and how these difficulties were overcome. Furthermore, the witness reports on the reasons for cases of death among children.

Paragraph 8 describes the difficulties caused by the continuous air raids and how such difficulties were overcome.

Puragraph 9 refers to the extension records of the polyclinic concerning the medical care for the foreigners and finally Paragraph 10 of the document deals on page 233 with the State of health of the foreign workers. It is stated that on the average, the state of health of foreign workers was better than that of the German workers. I should like to ask the Tribunal to persue page 233 of Decument Book III. If you will turn to that page, you will find that the percentage are given for the years of 1943 and 1944 about the sick. From these figures, you will see that the state of health of foreigners was better than that of the Germans.

This is an affidavit of the affiant Dr. Leven, who was in charge of the dental station set up for the foreigners. He was in charge of the dental station, together with another dentist. He gives detailed statements as to the extensive dental care for foreign workers.

This dental care corresponds with the most modern results of dental science. In order to illustrate these statements, you will find on page 236 and 237, two pictures taken's that dental station. I should like to sek the Tribunal to take notice of these photostatic copies. That is 53 236 to 237 of the document book.

BY DR. LUSERT:

I shall now turn to the next question. The Prosecution maintains, referring to a letter by the Belgian firm Swannet & Francois, of 20 September 1943, Document MI-8999, Exhibit 1379, Document Dook 70, page 77 of the English and 132 of the German text, that 25 per cent of all foreign employees fell ill with typhoid. In the Prosecution's index of Book 70 it is stated even that 75 per cent of all employees of Lever-kusen were afflicted with that illness, that is to say, 3,000 to 4,000 men. What can you say about that?

A It is incomprehensible to me that any such statement could be made. Every reader of the document submitted by the Prosecution can see that this assertion is obviously incorrect. It becomes apparent from this correspondence which dates to, by the way, a time after my resignation, that the foremen of the Belgian firm which had 120 workers employed at Leverkusen, reported that 25% of the foreigners at the Eigenhein Camp near Mannsfeld, had fallen ill with typhoid.

German Book 76 of the English, shows that we are here only concerned with eleven typhoid cases of which two were fatal. That is excellent proof for the efficient medical care and the hygienic installations of that camp. Physicians, as well as laymen, will admit that if in so large a camp a typhoid disease breaks out, it is almost a miracle that it can be limited to sleven cases only, if one considers that the camp housed over 2,000 people.

The Prosecution's own document shows, furthermore, that at the time the illnesses in the Foreign Workers: Camps at the Leverkusen Plant were between 1.5 to 1.7 per cent of the sum of the workers; in other words, these figures are extremely low and I don't think I have to add anything to them.

Q Would you be good enough to speak on the question of abortions?

A The document in question, Book 70, Page 52 of the German and Page 27 of the English, dated 10 July 1944, is a document which originated after my time. I was only present as a guest. Mr. Haber-land, my successor, was the chairman. However, with respect to abortions, I can refer you to the affidavit of Dr. Wolff which primarily confirms that these abortions were only carried out upon request of the woman concerned and after thorough medical examination.

I have already stated this document is Document 95 and this matter refer to Paragraph 5 of the t document. I shall now burn to my next question. The Prosecution under NT-1071, Exhibit 1386, Book 70, Page 98 of the English and 163 of the German text, has submitted a report of the 16 March 1944 of the Factory Office Committee, according to which Polish workers, according to a decision of the same committe, dated August 1943 should receive no furlough. What do you know about that?

A This matter too dates to a period after my time and I therefore have no knowledge of my own about it. I can only say this much:
The Factory Office Committee was a small commission of experienced plant
leaders who supported and advised the social welfare department and, as
I can see from the documents which have been submitted, this decision was
haver actually put into effect.

DR. LUMPERT: In that connection I shall offer Document and Exhibit 27 which is an affidavit by the witness Norsch. Unfortunately, the contents of these documents were not stated in the index by mistake. That is why I submitted a small poice of paper to you in which the relevant facts are contained. The witness gives us details of the home leaves of Polish workers. He states that the decision of the 30 August 1913 not to grant home leaves for the time being to Poles was rescinded again only on 16 March 1914, but had not actually been carried out in the meantime. He gives us a number of details on that matter and there are some enclosures to substantiate his statement. I shall now turn to my next question.

DE DR. LUBERT:

Q The Prosecution, on the basis of Document NI-5765, Book 70, Page 26 of the English and 61 of the German text, has asserted that at the time, in July 1944, female foreign workers who repeatedly spent their, nights outside of the compoure locked up by the police over Sunday, which provented a decrease in the output of work. What do you know about that?

A I did attend that meeting of the 10 of July 1944 as a guest.

Ity successor, Dr. Haberland, was the chairman of that meeting but today

I can tell you nothing about that from my own knowledge. At that time it

wasn't my task a tall to concern myself with such a detail concerning

the labor questions.

DR. LURZERT: I shall submit in that connection the document and Exhibit 98 which is an affidavit of the chemical engineer, Dr. Tenk, who was a director in the Farben plant at Leverkusen. The witness states that the arrest of female foreign workers over Sunday, mentioned in the TDZ minutes of the 10 July 19kh, occurred only through the police and that this was an official act. He confirms expressly that the Leverkusen plant did not initiate this meas ure. I shall now turn to the next question.

BY DR. EURSERT:

Q Dr. Kushno, you montioned before that the eastern workers and the Polish workers were somewhat worse treated with respect to sclaries than the other foreign workers and the German workers. Can you briefly give me some more details on that matter and what was your own attitude on that point?

A The Gorman authorities had ordered that from the Polish and
Eastern workers' salaries a so-called Eastern Workers tax was to be deducted and paid to the finance offices. The reason therefore, in my
recollection was stated as being that these workers were to be paid in
accordance with Eastern conditions and that they had lower social demands.
They said that deductions had to be made in payment of the good conditions
afforded them by us. I don't remember that matter exactly. However, I did

think that this deduction was regretable and undesirable in the interest of my desire to have uniform treatment of all workers. I turned to the responsible agencies by submitting applications and protests to that effect.

DR. LUBLERT: In that connection I shall now submit document and Exhibit 99. This is an affidavit by the witness Goldborg, an expert for matters pertaining to wage policy and wage technicalities of all payroll departments of Farbon. The witness confirms that during the war no reported repeatedly to the Reich Labor Ministry and other authorities especially by order of Dr. Kuchne, requesting higher pay scales for the Eastern workers and in order to achieve their equalization with the German workers. The witness has a dd a number of documents in order to substantiate his affidavit.

I have submitted a large amount of evidence referring to the excellent treatment of foreign workers in all possible fields. 1 should now like to supplement this material by Dogument and Exhibit No. 100. This is an affidavit of the witness Roettger the office manager of the Parbon plant at Leverkusen. He enclosed 47 photographs to his affidavit, and he confirms that these photographs give an objective and true impression of the housing and feeding installation for the foreign workers at Laverkusen of these times. "urtherware, these photographs segments show from the medical and cultural care for the foreign workers. I should like to ask the Tribunal to briofly peruse these photographs. They are to be found on pages 2ho to 270 of Document Book No. 3. Forhers it is not nocessary for no to explain these photographs. Every photograph has a caption which tells you what it is intended to show. I should lisk to refer the Tribunal's particular attention to one photograph The Tribunal will find that the foreign female workers were not only excellently neurished, but that they were dressed in a fasi nable and with good taste. This was so because Parben supplied these for roign female workers with their own Farben clothing material. This, for instance, becomes apparent from the photographs on page 245 and 256. The photographs confirms everything which has been stated before. I just refer you to the laws around the barracks, the kitchen installations, the dayrooms; the distribution of food, the messhalls; the mashrams, the sewing room, pictures taken to be sent to members of the families of foreign workers abroad the medical and saidtery installations of the camp. You can lock at the instructions rooms for language courses, the murseries, etc. I should now like to offer into evidence Document 101 and 102, as Exhibits

Echibit 101 is an affidavit by the Belgian painter Eelen. he states that from 1942 to 1945 he was excellently treated at the Farben plant Leverkusen, and that he himself felt very happy at the Farben plant at Leverkusen, as well as many others of his relatives,

101 and 102.

and that they wanted to remain there forever. If one takes into consideration all the documentary material submitted, such a desirate stay at Leverkusen forever seems to be very comprehensible.

Document 102 consists of three testimonies of fereign workers, one of them a femile testimoniess confirm that they were at the Farben Frant during the war and that they were excellently and justly treated there. These statements bear the date of 1946, and do not bear the form of affidavits. I had these testimonics supplemented therefore by the affidavit of Dr. Sool, the Director of the First Protection Group of the Leverkusen plant. He confirms in his affidavit that these three testimenies of these three foreign Workers were given to him in the year of 1946 voluntarily by the affiants because these foreign workers, as well as many other foreign workers, folt so very happy at Leverkusen. If one asks how this excellent treatment of foreign workers at Leverkusen was at all possible, one must point out two facts. For one thing, the Farben plant at Leverkusen, as it was testified to by Mr. Kuchne, had always had exceptary social institutions. Then again, Dr. Kuchne himself always desired the foreign cwrkers to be treated well. For two examples for that atatement I should like to draw the attention of the Tribunal one ware to Document 50, in Document Book II. I should like to usk the Tribanal to turn to paragraphs 4 and 6 of this excorpt from the TOZ Minutes of the Parben plant at Leverkusen. These two minutes, of the 26th of February 1941 and 28th of July 1943 give you examples of the requests made by Dr. Kuehne to the plant lenders to core for for ign workers and to treat them justly and adequately. You will find this statement on page 109 and on page 11 of Vicument Brok II.

In conclusion, I should like at this point to deal once more briefly with Document 7L, in Document Book II. It is to be found on pages 161 and 162.

I shall quote a very few sentences of this affidavit by this witness. I start from the bettom of page 161; I quote: "The foreign workers at the time of their arrival possessed for the most part only tettered clothing. They were also to a great extent in a bad physical condition. After a short time alread; one could observe that a change had taken place; first, through the wolfare work of the plant for these people, and then also through private procurement of clothing from the civilian population. The female camp occupants received materials from the firm in order to anke their own dresses. All teld, it could be noted that after a certain paried of time the foreigners were as well dressed as the German population, and that their physical. condition could also be described as normal. It is known to me that many of the recupants of the comp has the desire after the end of the war to be able to continue working in the plant and that they did not wish to return to their homeland. Comp occupants who had already been sent away returned again and again to the camp in Leverkuson trying to remain there."

I Trigh workers from the east or from the west were conscripted for work, that is to say, did not come to Germany voluntarily, did you know that they were sent to Germany in order to work there and, in case you did know that, since when did you know it?

A As far as I remember, I only heard toward the end of 1913, through reports and rumers, that werkers sent to Germany were conscripted for that work and did n t come voluntarily. Up to that point, I had assumed that not only these workers recruited by curselves abroad, but also the foreign workers assigned to us by the Labor Office had come to Germany voluntarily.

Q Lo you know that children were allegedly employed at the Leverkusen plant?

A During the time I was in charge of the Loverkusen plant, I cannot remember that there were any children at the foreign camp of Leverkusen.

Whether that was true at a later date, and how they were employed, I cannot say from my own experiences.

Dr. LUDITAT: In that connection I shall submit Exhibit and Bocuments 103 and 10k; Document 103 is an affidavit of the witness Zargus, an export of the Social Department of the Farbon plant Laverkuson. The affiant cortifies that the Labor Allocation of Mussian children since the fall of 19k3 and that that was so upon the own wish of the parents concerned. Generally, they only worked up to four hours daily; children under 12 years were never employed and children from 12 to 1k were only amployed exceptionally, that is to say, generally only children over 1k years of age; work at night or en sundays or helidays was out of the question.

Document 10h is the affidavit of the affiant Morsch. It gives us some supplemental details and refers to this labor allocation of a few Russian children at the Loverkusen Farbon plant.

If time, for which you are not responsible, we have re-surveyed your situation, and we are going to say that you have an hour and a half instead of an hour tracerew; but, please boar in mind that that is an hour and a half to complete your examination, and, for whatever time your associates use for examination of the defendant, and re-direct examination. So that we have no confusion, you have an hour and a half, you can use it as you see fit.

The Tribunal will new rise until mine O'clock temerrow merming.

(The Tribunal adjourned until D900 hoursm 31 March 1948.)

MICROCOPY OG 9

ROLL